

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, et al., )  
Plaintiffs, )

v. )

BRAD RAFFENSPERGER, et al., )  
Defendants. )

---

CIVIL ACTION FILE

NO. 1:17-cv-02989-AT

DEPOSITION OF  
TERESA LYNN LEDFORD

June 24, 2019



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BRAD RAFFENSPERGER, et al.,	)	
	)	
Defendants.	)	

---

DEPOSITION OF  
TERESA LYNN LEDFORD

June 24, 2019

9:40 a.m.

Gwinnett Justice and Administration Center

75 Langley Drive

Lawrenceville, Georgia

Marsi Koehl, CCR-B-2424



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25

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8 Also present:

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10

11

12

13

14

15

16

17 (Pursuant to OGCA 15-14-37 (a) and (b) a

18 written disclosure statement was submitted by the

19 court reporter and is attached hereto.)

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P R O C E E D I N G S

(Plaintiff's Exhibit 1 was marked for  
identification.)

TERESA LYNN LEDFORD,  
having been first duly sworn, was examined and  
testified as follows:

EXAMINATION

BY MR. POWERS:

Q. Good morning, Ms. Ledford.

A. Good morning.

Q. I introduced myself before. My name is John  
Powers and I'm an attorney with the Lawyers'  
Committee for Civil Rights Under Law and one of the  
counsels representing the plaintiffs in this case.

Could you please state and spell your full  
name for the record.

A. It's Teresa Lynn Ledford. T-E-R-E-S-A.  
L-Y-N-N. L-E-D-F-O-R-D.

Q. Thank you.

Ms. Ledford, have you ever been deposed  
before?

A. No.

Q. Have you ever offered sworn testimony in any  
other capacity?

A. Yes.

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1 MR. STEPHENS: As an affidavit.

2 THE WITNESS: Yes. Through the  
3 affidavit process, yes.

4 BY MR. POWERS:

5 Q. In probably several cases?

6 A. Correct.

7 Q. Probably too many to go through right now.

8 A. Yeah, I couldn't tell you.

9 Q. Since this is your first deposition, I'll go  
10 through a few of the ground rules.

11 First, do you understand that you're  
12 testifying under oath just the same as if you're in a  
13 court of law?

14 A. Yes.

15 Q. If you don't understand one of my questions,  
16 please let me know and I'll try to rephrase it so  
17 that you can understand. Is that okay?

18 A. Yes.

19 Q. And for the sake of the court reporter,  
20 who's working hard today, if you could please wait  
21 until I finish asking my question before you begin  
22 answering it.

23 A. Yes.

24 Q. All right. And, lastly, you should please  
25 feel free to take a break at any time just so long



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1 it's not while a question is pending. Is that okay?

2 A. Yes.

3 Q. All right. Do you have an official E-mail  
4 address?

5 A. Yes. It's lynn.ledford@gwinnettcountry.com.

6 Q. Ms. Ledford, what did you do to prepare for  
7 your deposition today?

8 A. Gather the information requested in the  
9 subpoena.

10 Q. Great. And have you brought any of the  
11 documents requested in plaintiff's subpoena with you  
12 today?

13 A. Yes. I have.

14 (Plaintiff's Exhibit 2 was marked for  
15 identification.)

16 BY MR. POWERS:

17 Q. Before we go further, I'll go ahead and hand  
18 you what I've marked for identification as  
19 Plaintiff's Exhibit 2.

20 Ms. Ledford, is Plaintiff's Exhibit 2 the  
21 subpoena that you were referring to from the  
22 Coalition for Good Governance?

23 A. Yes.

24 Q. Ms. Ledford, what documents have you brought  
25 with you today in response to plaintiff's subpoena,



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1 Plaintiff's Exhibit No. 2?

2 A. This is the number of provisional ballots  
3 partially counted, fully counted and rejected.

4 MR. POWERS: And I'm going to go -- and  
5 maybe we can go through them one at a time.

6 MR. STEPHENS: In order, mm-hmm.

7 (Plaintiff's Exhibit 3 was marked for  
8 identification.)

9 BY MR. POWERS:

10 Q. So, Ms. Ledford, you handed what I've now  
11 marked as Plaintiff's Exhibit 3.

12 And could you please tell me what  
13 Plaintiff's Exhibit No. 3 is?

14 A. It is the summary of provisional ballots.

15 MR. STEPHENS: I believe that's in  
16 response to No. 15.

17 MR. POWERS: Great.

18 THE WITNESS: This is comments from  
19 voters regarding the voting equipment.

20 MR. POWERS: Okay. And I'm marking that  
21 document as Plaintiff's Exhibit No. 4.

22 THE WITNESS: Yes.

23 (Plaintiff's Exhibit 4 was marked for  
24 identification.)

25 MR. STEPHENS: Let's try to identify

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1 which one of the items that is.

2 BY MR. POWERS:

3 Q. Ms. Ledford, can you please identify which  
4 subpoena question this --

5 A. Number 11.

6 MR. STEPHENS: Eleven, okay?

7 BY MR. POWERS:

8 Q. So Plaintiff's Exhibit No. 4 was produced in  
9 response to --

10 A. -- No. 11.

11 Q. -- request No. 11 of plaintiff's subpoena.  
12 Thank you.

13 A. This is the intergovernmental agreement  
14 between Gwinnett County Board of Voter Registration  
15 Elections and the cities for 2017 and 2019. And that  
16 is No. 16 on the subpoena.

17 (Plaintiff's Exhibit 5 was marked for  
18 identification.)

19 BY MR. POWERS:

20 Q. I'm going to go ahead and mark that for  
21 identification Plaintiff's Exhibit No. 5.

22 Just to reiterate, Plaintiff's Exhibit No. 5  
23 is in response to what request number from  
24 plaintiff's subpoena?

25 A. Sixteen.

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1 Q. Thank you.

2 A. I'm looking for the number on this one.

3 Okay. This is No. 17. This is  
4 communications and documents regarding the procedure  
5 for electronic transmission and receipt of  
6 election-rated files.

7 MR. POWERS: I'm going to go ahead and  
8 mark this document as Plaintiff's Exhibit  
9 No. 6.

10 (Plaintiff's Exhibit 6 was marked for  
11 identification.)

12 BY MR. POWERS:

13 Q. And just to reiterate, you said that is in  
14 response to subpoena request No. 17?

15 A. Correct.

16 Q. What's next?

17 A. This actually goes with that as well. I'm  
18 sorry. There's three pages to that, three sets to  
19 that one.

20 Q. So let's add that into Plaintiff's Exhibit  
21 No. 6.

22 A. This is No. 8. This is bulletins regarding  
23 electronic updates about security on the GEMS  
24 servers.

25 MR. POWERS: I'm going to mark this

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1 document as Plaintiff's Exhibit No. 7.

2 (Plaintiff's Exhibit 7 was marked for  
3 identification.)

4 BY MR. POWERS:

5 Q. And just to reiterate, you said Plaintiff's  
6 Exhibit No. 7 was produced in response to plaintiff's  
7 subpoena request No. 8?

8 A. Correct. That's all I have.

9 Q. Okay. And I understand there are some  
10 documents -- strike that.

11 Are there any documents that you have  
12 identified that you are not producing today?

13 A. Yes.

14 Q. What documents are those?

15 MR. STEPHENS: Let me -- let's just go  
16 through this -- in fact, if we can go  
17 through the request for production of  
18 documents.

19 MR. POWERS: Sure.

20 MR. TYSON: That might work and then we  
21 can state the objections and go from there.

22 MR. POWERS: Okay.

23 MR. STEPHENS: All right. As to request  
24 No. 1, I think the State had an objection to  
25 that.



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1 MR. TYSON: Yes. So the State  
2 defendants object to request No. 1 as  
3 outlined in our letter yesterday evening.  
4 The GEMS database is a state-owned system  
5 and it's protected from disclosure by state  
6 law and has already been the subject of some  
7 back and forth between parties regarding its  
8 disclosure.

9 We'll been talking with Judge Totenberg  
10 about that disclosure later in the week.  
11 But it is our contention that this is  
12 protected from disclosure by state law  
13 because it could be used to inject malware  
14 or other software into the system that  
15 could affect -- adversely affect election  
16 security.

17 So State defendants object to any  
18 disclosure of the GEMS database under  
19 request No. 1.

20 MR. STEPHENS: And as to Ms. Ledford,  
21 she also objects and shares in that -- joins  
22 in that objection.

23 We also prior to the deposition today  
24 handed you our written objection to Item  
25 No. 1 as well as a few others.



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1 Item 1 requests the GEMS database. And  
2 that -- once the election -- and it's the  
3 database for the November 2018 election.

4 Once that election is completed, the  
5 GEMS database is delivered to the clerk of  
6 the superior court and it remains in the  
7 clerk's possession for a couple of years  
8 under seal and can only be released through  
9 a court order. It is then given to the  
10 grand jury to take a look at it and maybe  
11 it's disposed of it at that point.

12 It contains privileged and protected  
13 information. And production would have the  
14 effect of rendering the State's electoral  
15 system insecure and vulnerable to attack.  
16 It would also jeopardize the security of our  
17 present election system.

18 And we've given you citations to a case  
19 in which this issue was discussed and a  
20 citation to 21-2-500 on that point.

21 MR. POWERS: Are there any other  
22 objections you want to state for the  
23 record or can we move on?

24 MR. STEPHENS: Let's go through these.

25 Request No. 2, there are no documents

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1 that Ms. Ledford has identified that are  
2 responsive to this request. We did oppose  
3 the objection that is contained in the  
4 letter, but there are no documents by the  
5 same token.

6 No. 3, policies, procedures, manuals and  
7 other documents relating to or describing  
8 the assignment of unique identifiers to  
9 electronic ballot image reports or cast vote  
10 records. There are no documents responsive  
11 to that request. As a matter of fact, I  
12 understand that the Elections Division does  
13 not do that. Is that correct, Lynn?

14 THE WITNESS: Correct.

15 MR. STEPHENS: In paragraph four, it's  
16 requesting policies, procedures, manuals  
17 relating to or describing the method of  
18 retrieval of electronic ballot information  
19 from specific cast electronic ballots for  
20 purposes of research or canceling the  
21 ballots or votes.

22 There are no documents responsive to  
23 that request. And, again, my understanding  
24 is that the Elections Division does not do  
25 that. Is that correct?

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1 THE WITNESS: Correct.

2 MR. STEPHENS: Okay. Paragraph five,  
3 you've asked for ballot image reports for  
4 cast vote records of the first five ballots  
5 cast and the last five ballots cast in the  
6 November 6, 2018, election at Martins E  
7 Precinct.

8 There are no documents that are  
9 responsive to this request. And I  
10 understand that it would be impossible for  
11 us to retrieve that. Is that correct?

12 THE WITNESS: That's correct.

13 MR. STEPHENS: And would you describe  
14 why that's not possible?

15 THE WITNESS: Yes. In order to keep the  
16 anonymity of the voter and the integrity of  
17 the system, once a ballot is cast, it then  
18 becomes randomized throughout the unit, so  
19 you couldn't take a numbered list of voters  
20 and know that the first five people, this is  
21 the first five ballots, so you would be able  
22 to see how those voters cast their ballots.  
23 So we don't have the option of getting this  
24 information.

25 MR. STEPHENS: Would the same hold true



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1 of No. 6?

2 THE WITNESS: Correct.

3 MR. STEPHENS: It's just a different  
4 precinct.

5 THE WITNESS: Correct.

6 MR. STEPHENS: And we have objected to  
7 five and six as seen in the letter, but  
8 there are no documents responsive to that  
9 request.

10 Then let me make sure I'm going through  
11 and checking these.

12 On 7, nondisclosure agreement signed by  
13 the Gwinnett election officials related to  
14 election data contained in the County's GEMS  
15 database. There are no documents responsive  
16 to this one and I understand we don't have  
17 any such agreements. Is that correct?

18 THE WITNESS: Correct.

19 MR. STEPHENS: We've already talked  
20 about eight and produced documents.

21 Let's see. No. 9, instructions,  
22 bulletins and electronic updates, receipt  
23 from the Secretary of State's Office related  
24 to security threats to the voting system or  
25 election-related equipment since January 1st

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1 of 2016.

2 THE WITNESS: We had those.

3 MR. STEPHENS: Okay. There's -- oh,  
4 that's right. That's --

5 MR. TYSON: -- included in Exhibit 7, I  
6 believe, updates regarding the DRE system  
7 and regarding the voting system at large.

8 Does that sound right?

9 THE WITNESS: Mm-hmm.

10 MR. STEPHENS: I guess we have produced  
11 those. So we're on 10, I think, right now.

12 MR. POWERS: Yeah.

13 MR. STEPHENS: And that dealt with  
14 documents related to preventing voters who  
15 appear at the wrong polling place in some  
16 elections from being located in an express  
17 poll book and redirected by poll workers to  
18 a second incorrect polling place.

19 There are no documents responsive to  
20 this request and that's not a practice of  
21 ours. Is it?

22 THE WITNESS: Correct.

23 MR. STEPHENS: We've produced documents  
24 responsive to 11.

25 Twelve involves investigations



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1 concerning the undervote in the lieutenant  
2 governor's race in the November 2018  
3 elections. There were no documents  
4 responsive to that request. Is that right?

5 THE WITNESS: Correct.

6 MR. STEPHENS: And then I think we just  
7 have 13 and 14 that we have not responded to  
8 with documents.

9 Thirteen is complaints received from  
10 voters, poll workers or Gwinnett County  
11 staff regarding inaccuracies in voter  
12 information in the electronic poll books  
13 during the November elections.

14 Were there any documents responsive to  
15 that?

16 THE WITNESS: No.

17 MR. STEPHENS: And the last one is the  
18 one that we've also objected to, which is  
19 the records concerning or related to changes  
20 made to the voter registration information  
21 or the electronic poll book information for  
22 Gwinnett county voters Dana Bowers and  
23 Jasmine Clark since January 1st, 2018.

24 Both the State and we have objected to  
25 that and I'll let the State make its

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1 objection.

2 MR. TYSON: And the objection there is  
3 the records related to the voter  
4 registration information from the ENet  
5 database include nonpublic information that  
6 is protected from disclosure about the  
7 individual voters.

8 We have no objection to the production  
9 pursuant to a protective order when one is  
10 entered, but there has not yet been a  
11 protective order entered in the case.

12 And so until such time as that  
13 protective order is entered, the State would  
14 object to disclosure of the audit records  
15 and nonpublic information from the ENet  
16 database regarding those voters.

17 MR. STEPHENS: We concur in that  
18 objection.

19 And I will say with regard to the  
20 objection, in No. 1 dealing with the GEMS  
21 database, that we will, of course, comply  
22 with any court order that's entered. That  
23 information is by Georgia law stored  
24 securely pending a court order. And if a  
25 court order is entered with protective

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1 provisions, then, of course, we'll comply  
2 with that.

3 MR. POWERS: Okay.

4 MR. STEPHENS: And I believe that covers  
5 all the request for production.

6 MR. POWERS: I think -- what about 15,  
7 16 and 17?

8 MR. STEPHENS: Let's see. I had that we  
9 produced documents under 15, 16 and 17.

10 MR. POWERS: Okay. I have that for my  
11 records.

12 Great. We may return to this later.

13 MR. STEPHENS: All right.

14 BY MR. POWERS:

15 Q. For right now, let's move on.

16 Ms. Ledford, you were born in Gwinnett  
17 County?

18 A. Yes.

19 Q. Are you a lifelong resident of Gwinnett  
20 County?

21 A. Yes.

22 Q. And where in Gwinnett County do you live?

23 A. Grayson.

24 Q. Do you live in the incorporated part of  
25 Grayson?



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1 A. No.

2 Q. Could you please tell me about your  
3 professional employment history and background.

4 A. Sure. I started working for Gwinnett County  
5 in October of 1987 as a temporary employee. In  
6 February of '88, I went to being a full-time  
7 employee.

8 I started out as a clerk then graduated to  
9 voter registration coordinator and then assistant  
10 director and then director.

11 Q. So you're currently the elections director  
12 for Gwinnett County?

13 A. Yes.

14 Q. How long have you been elections director  
15 for Gwinnett County?

16 A. I believe since the end of 2001.

17 Q. And before that, you were the assistant  
18 elections director?

19 A. Yes.

20 Q. How long were you the assistant elections  
21 director for?

22 A. I don't remember.

23 Q. What was your title before assistant  
24 elections director?

25 A. Voter registration coordinator.

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1 Q. What responsibilities do you have as the  
2 elections director for Gwinnett County?

3 A. To ensure compliance with Title 21.

4 Q. That's of the Georgia Election Code?

5 A. Yes. Official Code of Georgia Annotated.

6 Q. What are your responsibilities that you take  
7 on to make sure that that happens?

8 A. Well, I make sure I understand the code and  
9 state laws, rules and regulations in regard to all  
10 voter registration and election processes.

11 So I have a staff and I oversee that staff  
12 to ensure all of those things take place based on  
13 deadlines, timelines and statutory requirements.

14 Q. What kinds of duties do you take on on a  
15 day-to-day level?

16 A. That's hard to say. It depends. If we're  
17 in an election cycle, the duties are obviously  
18 different than in a nonelection cycle.

19 In an election cycle, we set up a calendar  
20 for, again, deadlines for absentee balloting by mail,  
21 advanced in-person voting, setting up our polling  
22 locations, training, staffing, replacement of all the  
23 training and staffing that we do.

24 We set up online and in-person training for  
25 the poll officials. In addition to that, we are the



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1 official recorder for campaign filings and  
2 disclosures for candidates and campaigns. We  
3 maintain all that in our office as well.

4 And then, obviously, year round we do voter  
5 registration and all the processes that go along with  
6 that, including list maintenance, day-to-day --

7 (Reporter requests that witness slow  
8 down.)

9 THE WITNESS: Which includes list  
10 maintenance, activities, updates, new  
11 registrations both online and manual.

12 BY MR. POWERS:

13 Q. Roughly, how many registered voters are  
14 there in Gwinnett County?

15 A. We have right at 600,000. Approximately  
16 550,000 active and then approximately forty to 50,000  
17 inactive.

18 Q. It takes a lot of organization to manage an  
19 operation of this size?

20 A. Yes. It does.

21 Q. What training or certifications have you  
22 received related to election administration?

23 A. The Georgia Association of Voters Registrars  
24 and the Georgia Election Officials Association.

25 We have two separate associations in Georgia

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1 and I go to those trainings any time they are held.  
2 I have also done any special trainings that were  
3 provided by the Secretary of State's Office over the  
4 years.

5 Q. How frequently are those special trainings  
6 held?

7 A. They are infrequent.

8 Q. Has the Secretary held any special trainings  
9 related to the DRE voting machines?

10 A. Not for me because I've been here -- been  
11 doing it for 30 something years.

12 Q. Have you been an instructor in any of the  
13 trainings administered around the state?

14 A. I have.

15 Q. Could you please tell me about those?

16 A. It varies. It depends on what the  
17 association is concentrating on for that particular  
18 election. We have done staffing and recruiting. I  
19 have done voter registration practices and  
20 procedures. We've also done some type -- so it's  
21 just over -- like I said, I've been in association  
22 for many, many years, so there's been a lot of  
23 trainings I've worked on.

24 Q. That's fair enough.

25 Have you served in important roles in the

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1 election administration field at the statewide level  
2 in Georgia?

3 A. I have since Cathy Cox was the secretary of  
4 state, I was appointed to several committees under  
5 her. The subsequent secretaries of states, I've been  
6 appointed to several -- I couldn't tell you exactly  
7 but to different committees.

8 And then the latest one I served on was  
9 Governor Brian Kemp put together a blue ribbon  
10 commission to study the Georgia Election Code. And  
11 there were several of us on that committee and that  
12 was probably three or four years ago.

13 Q. Was this the election code review committee?

14 A. It was.

15 Q. What did that committee look at?

16 A. Everything from page 1 to the last page and  
17 just -- again, just reviewed all of that.

18 Q. Was the election code review committee  
19 involved at all in the creation or review of House  
20 Bill 316 that was passed in 2019?

21 A. No.

22 Q. Were you personally involved in the creation  
23 or review of House Bill 316?

24 A. No.

25 Q. Ms. Ledford, were you -- have you served as



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1 president of the Georgia Elections Officials  
2 Association?

3 A. Yes.

4 Q. And, roughly, when did you serve in that  
5 role?

6 A. Maybe 10 years ago, roughly. I don't  
7 remember exactly but about eight to 10 years ago.

8 Q. Have you served on the national task force  
9 for poll worker and public education?

10 A. I don't think so.

11 Q. Have you served on committees with the Voter  
12 Registrars Association of Georgia?

13 A. Yes.

14 Q. Could you tell me a little about that?

15 A. No. I don't remember. There's a lot of  
16 years so a lot of committees.

17 Q. Fair enough.

18 Is it fair to say that through these various  
19 roles, you're knowledgeable about the election  
20 administration practices and procedures employed by  
21 counties throughout Georgia?

22 A. In Gwinnett County, Georgia.

23 Q. Does that knowledge extend to the voting  
24 methods and systems used in other counties in  
25 Georgia?



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1 A. I know how Gwinnett County conducts our  
2 policies and procedures. I don't want to speculate  
3 how other counties would interpret and apply laws,  
4 rules and regulations.

5 Q. What has your role been with respect to  
6 implementing and using the DRE voting machine system  
7 that's used in Gwinnett County elections?

8 A. Well, I was the assistant director when we  
9 began using DREs in 2002. So just being the  
10 assistant, I worked on the distribution of the  
11 equipment and how -- which precincts were going to  
12 get how much equipment; looking at numbers of  
13 registered voters. And then I assisted in  
14 implementing the L&A testing that we use.

15 Of course, all the instruction was provided  
16 by the Secretary of State, so we just implemented  
17 what was provided to us.

18 Q. What was your role with respect to  
19 implementing the logic and accuracy testing?

20 A. Just making sure the paperwork was in order  
21 and verifying it afterward.

22 Q. We'll probably return to that subject later  
23 on.

24 Who at the Gwinnett County Board of  
25 Elections is responsible for ensuring that the DRE

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1 voting system used in the county is functioning  
2 properly?

3 A. The Elections Division and staff.

4 Q. Which staff members specifically?

5 A. Well, we have an election coordinator who  
6 heads that up and then he has two election  
7 associates, two that work under him and then we hire  
8 approximately five to 15 to 20 depending on the type  
9 of election, temporary employees.

10 Q. What is the name of the election  
11 coordinator?

12 A. Kelvin Williams.

13 Q. What are the names of the other two staff  
14 members that you mentioned who do a lot of work on  
15 this?

16 A. Demond Smith and Tiffany Vang.

17 Q. Thank you.

18 Ms. Ledford, what is the annual budget of  
19 the Gwinnett County Board of Elections roughly  
20 speaking?

21 A. Again, it depends. In an election year, it  
22 can be five to ten million depending on the election  
23 cycle that we're in. In an off-election year, we  
24 only have what we call an admin budget and that's  
25 usually anywhere from 1.5 to three million.

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1 Q. Let's talk about the Gwinnett County Board  
2 of Elections' budget in an election year.

3 What are the major line items that take up  
4 the bulk of the five- to ten-million-dollar budget  
5 that you just referred to?

6 A. Poll official payroll.

7 Q. What else?

8 A. Professional services.

9 Q. What constitutes professional services?

10 A. Temporary employees and translation.

11 Q. You're talking about Spanish language  
12 translation?

13 A. Correct.

14 Q. How much of that budget goes into DRE  
15 machine testing and maintenance?

16 A. I couldn't tell you exactly.

17 Q. Is it hard work to do the DRE machine  
18 testing and maintenance?

19 A. It is.

20 Q. Could you tell me about the pieces that go  
21 into the DRE machine testing and maintenance?

22 A. Sure. It's a couple of tests. We perform  
23 what's called a diagnostic test, which means we  
24 ensure that the touches on the machine match up what  
25 they should.



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1           The second part of the testing is what we  
2 call automatic L&A. And you run a series of tests on  
3 that and it produces a pattern. And we verify that  
4 that pattern is correct based on what we know it  
5 should be for that election. And that is all  
6 documented.

7           Q. So the Gwinnett County Board of Elections  
8 has documents reflecting diagnostic tests and the  
9 automatic logic and accuracy testing?

10          A. Yes.

11          Q. Are those tests run on every single  
12 DRE machine that's used in early voting and  
13 election day?

14          A. Yes.

15          Q. How many DRE machines does Gwinnett County  
16 own?

17          A. Roughly 1800.

18          Q. How many of those are used in an even-year  
19 election cycle?

20          A. It just depends on what election cycle we're  
21 in. Obviously, the gubernatorial year doesn't  
22 require as many as a presidential year and so we base  
23 it on past history and anticipation.

24          Q. Fair enough. So say the November 2018  
25 general election, roughly, how many voting machines



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1 did you use for that election?

2 A. I don't know because I don't remember.

3 Q. In a presidential election year, does the  
4 County use all of its DRE voting machines?

5 A. We do not.

6 Q. Do you recall what the greatest number of  
7 DRE machines the County has used in a particular  
8 election?

9 A. I do not.

10 Q. How much does it cost to store the DRE  
11 machines?

12 A. Nothing.

13 Q. The County doesn't pay for the storage of  
14 the DRE machine?

15 A. Huh-uh.

16 Q. Who pays for that?

17 A. They are stored onsite in a secure location.

18 Q. On county property?

19 A. Yes.

20 Q. You might have mentioned this before.

21 When did Gwinnett County begin using the  
22 current DRE voting system?

23 A. 2002.

24 Q. What voting method was in place for in-vote  
25 in-person -- sorry.

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1           What voting method was in place for  
2 in-person voting on election day in Gwinnett County  
3 before the current DRE system?

4           A. The optical scan system.

5           Q. Could you please describe that optical scan  
6 system for me?

7           A. It's the same system that we use today for  
8 absentee and provisional balloting. It's a bubble-in  
9 system. And the voter is provided their particular  
10 ballot style. They would have voted by bubbling it  
11 in and then they would have put it into the scanner  
12 prior to leaving the poll.

13          Q. Hand-marked paper ballots?

14          A. Yes.

15          Q. How long was that optical scan hand-marked  
16 paper ballot voting system used for?

17          A. Two years.

18          Q. What brand or manufacturer was used for the  
19 optical scan system?

20          A. At the time it was called GEMS, Global  
21 Elections Management System.

22          Q. Thank you.

23               And before that optical scan system, what  
24 voting method did Gwinnett County use?

25          A. Punch card.

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1 Q. Could you describe the punch card voting  
2 system?

3 A. Really?

4 The voter would be provided their ballot.  
5 If it was a primary, they would have to specify  
6 Democrat or Republican because you had different  
7 voting booths.

8 The voter would then be given a card and  
9 they would slip it into a little unit. And there was  
10 a tiny punch. And you had a booklet. And the  
11 numbers in that booklet coincided with the ballot and  
12 so they would punch whichever number matched the  
13 person that they wanted to vote for.

14 At the end, they would take it out and then  
15 it would be placed into a ballot box -- a locked  
16 ballot box.

17 Q. Is that similar to -- were there chads or --

18 A. Yes. That's exactly what it was. It was  
19 that system.

20 Q. Oh. And how long was the punch card system  
21 used for as best you know?

22 A. From my knowledge, from 1973 until we  
23 purchased the new system in 1999.

24 Q. Do you recall receiving complaints from  
25 voters about the punch card system?



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1 A. I don't remember.

2 Q. Fair enough.

3 Let's go back and talk about the optical  
4 scan system a little more.

5 You mentioned that it was in place for  
6 two years. Which years was the optical scan system  
7 in place for?

8 A. 2000 and 2001.

9 Q. So the optical scan system was in place for  
10 the 2000 presidential election?

11 A. Yes.

12 Q. Do you recall if the optical scan system was  
13 used only by Gwinnett County or if it was something  
14 that other counties in Georgia were also doing?

15 A. To my knowledge, there were only two  
16 counties: Gwinnett and Chatham.

17 Q. Your role at the time was assistant  
18 elections director?

19 A. Correct.

20 Q. What role did you play with respect to  
21 implementing the optical scan system?

22 A. I was partly involved with the decision on  
23 the vendor. We had several demonstrations. Once it  
24 was chosen, then I worked with the elections director  
25 at the time and the staff to develop the training and



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1 L&A testing for that as well, again, which at that  
2 time would have been provided by the vendor.

3 Q. Can you describe the kind of logic and  
4 accuracy testing that was used on the optical scan  
5 testing?

6 A. Very similar. You do diagnostic testing  
7 first to make sure the unit itself is operational,  
8 reading the bubbles.

9 And then the second part was much more  
10 difficult than the DRE system because you had to  
11 develop a handwritten -- or hand-marked test deck.  
12 And you had to create that certain pattern. So we  
13 had thousands and thousands of optical scan ballots  
14 and based upon the style would have to be read into  
15 those units. And it took a significant amount of  
16 time to create those test decks.

17 Q. Understood.

18 When ballots were cast in person on election  
19 day using the optical scan system, were the ballots  
20 counted at each polling place or at the County Board  
21 of Elections Office?

22 A. They were tabulated onto the memory card in  
23 each of the OS units and then that information was  
24 brought back to the Elections Office for the official  
25 certification. So it was aggregated at the Elections

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1 Office.

2 Q. Did you think that the county's processes  
3 for counting the hand-marked paper ballots were  
4 affected?

5 A. "Counting" meaning for the poll officials or  
6 for the main office?

7 Q. Both.

8 A. Well, it was difficult for the poll  
9 officials because optical scan ballots carry a  
10 different set of problems just like any set does.  
11 And if you had a voter who overvoted a ballot or had  
12 something wrong with it and the unit wouldn't take  
13 it, that ballot would be spoiled. The voter would be  
14 given an addition ballot. They would have to go  
15 down --

16 (Reporter requests that witness slow  
17 down.)

18 THE WITNESS: The voter would be given  
19 the option to take a second ballot or  
20 continue to have that ballot spoiled and not  
21 cast. And we had that happen more  
22 frequently than I think people realize  
23 because they didn't want to go back and do  
24 that. And so it created, you know, a  
25 significant issue with that.

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1 The machines themselves were not  
2 problems. As far as the tabulation, the  
3 aggregation of the results, it was not an  
4 issue.

5 BY MR. POWERS:

6 Q. Mm-hmm. Do you recall how many complaints  
7 you -- strike that.

8 Do you recall receiving any complaints from  
9 voters about having to cast the second paper ballot  
10 or not having their paper ballots scanned properly?

11 A. Yes.

12 Q. How many complaints do you recall receiving?

13 A. I don't. It's been too long. And like I  
14 said, we only used it for two years. It was  
15 significant enough that it stuck in my mind is the  
16 only way I know how to describe that.

17 Q. Sure. Do you have any -- strike that.

18 Did you have any concerns about the  
19 integrity of the elections that were conducted in  
20 Gwinnett County using the hand-marked paper ballots?

21 A. I don't remember.

22 Q. Sitting here today, do you have any concerns  
23 about the integrity of the elections that were  
24 conducted in Gwinnett County using hand-marked paper  
25 ballots?



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1 A. No.

2 Q. Do you recall experiencing any problems with  
3 the optical scanning system besides those that you  
4 just described?

5 A. Yes. Occasionally -- the unit itself has  
6 the memory card and memory card has a battery in it.  
7 And, obviously, you don't always know the battery  
8 life. You buy them off the shelf and you think they  
9 are brand-new, but, perhaps, they are older.

10 So oftentimes the battery would die in a  
11 memory card. And, of course, the poll officials had  
12 back-up memory cards, but that would stop voting.  
13 And there was a process that they had to go through  
14 to remove the dead memory card and insert the new  
15 one.

16 And then that translated also as well to the  
17 aggregation of the results on election nights; we  
18 would be doing -- trying to download results and we  
19 wouldn't be able to because the battery would die.  
20 So we would have to take that memory card, change out  
21 the battery and get the elections results.

22 Q. Could you explain to me -- I admit I don't  
23 know all the technology.

24 Could you please explain the difference to  
25 me between memory cards that are used for the optical



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1 scan system and the memory cards that are used for  
2 the current DRE voting system?

3 A. I can't give you the technical. I can give  
4 you the user end. They are very, very similar. They  
5 are both used to get the election -- the votes cast.

6 Both optical scan and DRE units have  
7 redundant memory where votes casts are stored so that  
8 if you absolutely get the information from the card,  
9 you can get it from the unit.

10 Q. Any other differences?

11 A. Again, I'm not a techie, so I can only give  
12 you the user end of it.

13 Q. To the best of your knowledge, were there  
14 any differences?

15 A. No.

16 Q. The battery problem that you described with  
17 respect to the optical scan system, wouldn't that  
18 also apply to the current DRE voting system memory  
19 cards?

20 A. It does not seem to. And I believe that is  
21 due to the fact that those units are charged every  
22 three months. And so even if the battery -- if  
23 something happened in the memory card, the battery in  
24 the unit will hold for four hours.

25 Q. Could you charge the batteries for the

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1 optical scan system?

2 A. No. Because that battery is totally  
3 contained within the little memory -- it's a watch  
4 battery.

5 Q. I just learned something.

6 Going back to my earlier question. Do you  
7 recall there being any other complaints from voters  
8 about the optical scan system used in 2000 and 2001?

9 A. The only other one was the amount of time it  
10 took to do a recount because you have to handfeed all  
11 of that information again. You don't upload the  
12 card.

13 Q. Did you conduct any recounts in 2000 or 2001  
14 while the optical scan system was in place?

15 A. We did and it was a statewide. I don't  
16 remember the race, but it was a statewide race and it  
17 was thousands and thousands of ballots.

18 Q. Mm-hmm. Do you recall roughly how long the  
19 recount took?

20 A. I believe it was a day and-a-half and that  
21 was a solid eight hours with several units. I don't  
22 remember the number. Several units being utilized  
23 and the staff rotating, you know, because you  
24 couldn't -- you had to stand to do it and we couldn't  
25 stand for that amount of time. Like I said, it was

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1 significant.

2 Q. Got it. And so just to make sure I  
3 understand it correctly, it took a day and-a-half to  
4 feed all of the hand-marked paper ballots cast in  
5 Gwinnett County for that statewide election through  
6 the optical scanners?

7 A. Correct.

8 Q. Thank you.

9 Any other complaints?

10 A. Not to my knowledge.

11 Q. Switching gears for a second, Ms. Ledford,  
12 would you please describe for me Gwinnett's election  
13 calendar for 2019?

14 A. Our election -- well, we had a special  
15 transportation referendum in March.

16 Q. Is Gwinnett County conducting any other  
17 elections in 2019?

18 A. No.

19 Q. What is Gwinnett County's election calendar  
20 for 2020?

21 A. Full. We have the presidential preference  
22 primary, the general primary, a potential general  
23 primary runoff, a potential federal primary runoff,  
24 the general election, the general election runoff and  
25 then a potential federal election runoff.



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1           So that's, what, six, eight potential  
2 elections. So it's from -- we already start  
3 preparing this year for next year.

4           Q. Understood. What kinds of preparations are  
5 you making this year for next year's election?

6           A. Well, currently, we're in the process of  
7 looking at our training, not necessarily the  
8 equipment specific because we don't know what that is  
9 but procedures around the poll officials' processes  
10 for proof of U.S. citizenship, voter registration  
11 reconciliation problems, what to do in emergency  
12 situations. At this point that's really all that  
13 we've tagged onto for that.

14          Q. I'd like to turn back briefly to Plaintiff's  
15 Exhibit 5, which -- which we talked -- we marked  
16 before. And since there's one copy, let's -- this  
17 will be a little tricky.

18                But could you describe to me the -- what  
19 Plaintiff's Exhibit 5 is and, perhaps, we can go from  
20 there.

21           A. Sure. These are the intergovernmental  
22 agreements for the loan of the election equipment to  
23 the cities in Gwinnett County.

24           Q. Mm-hmm. Which cities were these agreements  
25 signed with?



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1 A. Duluth. Lawrenceville. Lilburn. Norcross.  
2 Peachtree Corners. Snellville. Sugar Hill. And  
3 that's for 2017 and 2019 respectively.

4 Q. Would you mind describing the content of the  
5 contracts in a little more detail?

6 A. It's basically just saying that we will not  
7 conduct your election, but we will allow you the loan  
8 of the equipment to conduct your elections. And then  
9 we provide whatever number pieces of equipment that  
10 they're requesting.

11 Q. Is the number of machines requested part of  
12 that agreement?

13 A. It is. I don't -- yes, it is.

14 Q. And so --

15 A. It's actually -- no. There's another sheet  
16 that they send in that we don't actually put with the  
17 contract. So we'll have to get that.

18 So that tells us how many voting machines  
19 they want, how many optical scan units and the  
20 peripherals that go with them.

21 Q. Do you know sitting here now the number of  
22 machines that --

23 A. It's usually less than 10.

24 Q. Is it roughly less than 10 per city?

25 A. Correct.

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1 Q. Are each of the cities with whom there's an  
2 intergovernmental agreement conducting a municipal  
3 election in 2019?

4 A. Not necessarily. They go ahead and submit  
5 the IGAs because of the process they have go through  
6 with their city councils and with our Elections Board  
7 so that we have them in place. If they do let us  
8 know they're having an election, then we can set  
9 aside the equipment that they've requested.

10 Q. How does the process work logistically in  
11 terms of the Gwinnett County BOE transferring custody  
12 to the cities? How does that work?

13 A. Once we know they are having an election,  
14 again, we set aside the number that they want. And  
15 then if they tell us they are having an election,  
16 they tell us what date they need it and then they  
17 come and pick up their equipment. And then they set  
18 it up, take custody and then they bring it back to us  
19 after the election.

20 Q. What training do you provide, if any,  
21 related to the use of the DRE voting machines?

22 A. We do not.

23 Q. You don't provide any training --

24 A. We do not, huh-uh.

25 Q. What -- strike that.

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1           What are the security controls that  
2 municipalities have to follow with respect to their  
3 use of the DRE voting machines?

4           A. I don't know. I would assume it's the same  
5 as ours. And I'm not supposed to say "assume." But  
6 we don't train them, so we don't know. Their  
7 information comes from the Secretary of State's  
8 Office, but I'm sure they are very well aware they  
9 are supposed to keep everything sealed.

10          Q. Could you describe what you mean with  
11 respect to keeping the DRE machines sealed?

12          A. Well, once they are -- you unseal them at  
13 the beginning of the day and then you reseal them at  
14 the end of the day with a numbered seal and there's  
15 various numbered seals.

16          Q. Does the -- strike that.

17               Do the cities provide documentation with  
18 respect to the seals when they return the DRE  
19 machines to you?

20          A. I don't know.

21          Q. Do you know if the Gwinnett County BORE has  
22 any records of sealed information provided by the  
23 municipalities?

24          A. I don't know.

25          Q. How are the DRE machines -- strike that.



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1 Who does the programming for the DRE  
2 machines in municipal elections?

3 A. I don't know.

4 Q. Is it fair to say the Gwinnett County Board  
5 of Elections does not do the programming for the --

6 A. Correct.

7 Q. Sorry. Let me finish my question.

8 A. Oh.

9 Q. Is it fair to say that the Gwinnett County  
10 Board of Elections does not do the testing for DRE  
11 machines for municipal elections?

12 A. Correct.

13 Q. Thank you.

14 Do you know if municipalities have GEMS  
15 licenses?

16 A. I do not.

17 Q. Does the Gwinnett County Board of Elections  
18 provide any kind of guidance or share any information  
19 with municipalities related to the use of DRE voting  
20 machines?

21 A. We do not.

22 Q. Let's switch gears for a second and talk  
23 about last second changes that the board of elections  
24 might have to make before an election.

25 Can you recall any instances in which



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1 Gwinnett County officials had to make last second  
2 changes or adjustments to plans for conducting  
3 elections?

4 A. Yes.

5 Q. Could you please describe those situations?

6 A. I don't remember. I just remember it caused  
7 mass confusion.

8 Q. Fair enough.

9 So let's take the 2018 election, for  
10 example.

11 Did the Gwinnett County Board of Elections  
12 have to change procedures for processing voters whose  
13 registration was placed in pending status?

14 A. I don't remember.

15 Q. Did the board of elections in 2018 have to  
16 make adjustments to procedures for processing  
17 absentee ballots?

18 A. Yes.

19 MS. MARKS: Let's take a break...

20 MR. POWERS: That's fair. You want to  
21 take a five-minute break and see if we can  
22 do something with the thermostat?

23 MR. STEPHENS: All right.

24 MR. POWERS: Go off the record.

25 (Recess from 10:45 a.m. to 10:58 a.m.)

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1 BY MR. POWERS:

2 Q. So before we move on, perhaps, do a little  
3 bit of clean up on some questions that I posed to you  
4 before the break.

5 Before the break you spoke about moving from  
6 the punch card voting system to the optical scan  
7 system in 2000.

8 I wanted to ask what general response you  
9 received from voters upon the change from the punch  
10 card voting system to the optical scan system?

11 A. Initially it was confusion. Anytime you  
12 have a change, you have to do public education and  
13 voter education. So they were confused to begin  
14 with.

15 But the problem we had with that we still  
16 continue to have today. When you have a general  
17 election, you have a write-in candidate. Say you  
18 have voters that want to bubble in Mickey Mouse and  
19 then come in and bubble in the write-in space for  
20 Mickey Mouse and then write Mickey Mouse's name on  
21 it. That is just a continuing problem with that type  
22 of ballot.

23 But, again, initially, it was just  
24 confusion. And then about the time, you know, we  
25 used it for the last election, they were used to it

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1 and then we changed them over.

2 Q. When you say "they were used to it," what do  
3 you mean by that?

4 A. We just didn't get as many complaints as we  
5 did the first election that we used it for because  
6 they had gotten used to -- you know, they knew to  
7 bubble in and put it in the scanner and what they  
8 were looking for.

9 Q. From an election administration's  
10 standpoint, was the optical scan system an  
11 improvement over the punch card system that had been  
12 employed before?

13 A. I don't know that it was an improvement. It  
14 was just a change. You know, of course, with what  
15 happened in 2000, we were glad we weren't on punch  
16 card. I don't necessarily think it was an  
17 improvement. I don't necessarily think it was not an  
18 improvement. It was just a change.

19 Q. You had mentioned the write-in issue on the  
20 optical scan system. Isn't it true that there's --  
21 you can still write in candidates on the current  
22 voting system?

23 A. Yes. On the DRE and the optical scan but  
24 the DRE won't let you cast an overvote. That's the  
25 difference.



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1 Q. I wanted to talk about the spoiling issue  
2 that you had mentioned earlier. You had mentioned  
3 overvotes.

4 Could you explain to difference between when  
5 a voter casts an overvote and other situations in  
6 which casting a vote by paper ballot can result in a  
7 particular vote getting caught up for some reason?

8 A. Sure. Again, first, there is the overvote  
9 and that's when someone votes for more than the  
10 number of candidates allowed in a particular race.  
11 So if you're only allowed to vote one and you vote  
12 two, then it kicks that out. That's considered an  
13 overvote.

14 If a voter happens to make a stray mark in  
15 the timing marks around the ballot, sometimes that  
16 will kick it out. If the ballot isn't printed  
17 exactly correctly, if it's just a millisecond  
18 issue -- I don't know. I'm not a tech person. But  
19 if it's the least bit off, it will not accept the  
20 ballot, which would be a broader problem with more  
21 ballots, but you can see that as well.

22 If for some reason a ballot was damaged,  
23 perhaps, if an absentee ballot, at someone's home  
24 they spill coffee or tea on it or if they used  
25 Wite-Out ®, the liquid Wite-Out ®, it considers it an



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1 overvote because it reads the metal in the Wite-Out  
2 ®.

3 So that's the main things that I remember  
4 that we encountered and that we still encounter today  
5 with the absentee ballots by mail.

6 Q. When there's an overvote in a particular  
7 race and it's -- the optical scanner kicks it out, I  
8 believe you said, does the -- do the votes for the  
9 rest of the races on that same ballot count?

10 A. It would now only by absentee by mail, but  
11 in the polls it would not because the machines are  
12 programmed to kick those out. And so the voter would  
13 either have to -- like it'd spoil that ballot and  
14 lose their vote or get a second ballot and revote and  
15 insert it into the machine.

16 Q. What about in cases of -- strike that.  
17 What about provisional ballots?

18 A. Well, there wouldn't be overvotes on  
19 provisional ballots because those are duplicated by  
20 staff. Ninety-eight percent of our ballots are  
21 duplicated.

22 Q. Could you briefly explain what the  
23 certification process is after an election passes  
24 and -- I'll start there.

25 Could you explain the certification process

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1 after an election passes?

2 A. Yes. Once we've received all of the memory  
3 cards from the polling locations on election night,  
4 all that is aggregated into the GEMS server. We then  
5 add in the absentee ballots by mail figures and then  
6 the provisional ballots are scanned and they're added  
7 in there as well.

8 And once everything has been aggregated into  
9 that system, it produces a report and that report is  
10 used to certify the election.

11 Q. When you're certifying an election, what is  
12 it that you're certifying to?

13 A. That the vote totals from those cards is  
14 what was produced on that report.

15 Q. Did you certify the results of all elections  
16 conducted while the optical scan system was in place  
17 in 2000 and 2001?

18 A. Yes.

19 Q. Earlier you mentioned an issue on -- that  
20 had occurred with some of the batteries dying?

21 A. Mm-hmm.

22 Q. I wanted to ask about the batteries that are  
23 employed on the optical scanners that are used today  
24 to process both absentee and provisional ballots.

25 Do the batteries on those optical scanners

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1 used today for absentee and provisional ballots have  
2 the same problem of dying?

3 A. Not on the scale that it did when we had it  
4 deployed countywide.

5 Q. What scale does it happen on today?

6 A. Maybe one of every third election. And the  
7 reason for that is we change those batteries when  
8 we're doing L&A testing.

9 Q. What is it that happens one in every three  
10 elections with respect to the batteries in the  
11 optical scanners?

12 A. The optical scan unit just doesn't accept  
13 the ballot. It just -- it just stops. It's like  
14 "I'm done; I'm not doing anything else."

15 Q. Is that on one machine?

16 A. Yes.

17 Q. So in one out of every three elections one  
18 battery on one optical scan machine dies; is that  
19 fair?

20 A. Right.

21 Q. Let's talk briefly again about municipal  
22 elections to the extent that you know, of course.

23 Duluth -- is it fair to say that Duluth,  
24 Lawrenceville, Lilburn, Norcross and Peachtree  
25 Corners conduct their own municipal elections using



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1 DRE voting machines?

2 A. Correct.

3 Q. Are there any other municipalities in  
4 Lawrenceville that conduct elections that you're  
5 aware of?

6 A. You mean in Gwinnett?

7 Q. Sorry. Strike that.

8 Are there any other municipalities in  
9 Gwinnett County that conduct their own elections that  
10 you're aware of?

11 A. Every city within Gwinnett County with the  
12 exception of Braselton conducts their own elections.  
13 We do not conduct any city elections.

14 Q. Are there any municipalities in Gwinnett  
15 County that conduct elections using hand-marked paper  
16 ballots?

17 A. I do not know.

18 Q. Do you know what the City of Snellville does  
19 with respect to the conduct of its municipal  
20 elections and its voting method?

21 A. I do not.

22 Q. Do you know who the points of contact are  
23 with the cities that do conduct their elections using  
24 the DRE voting machines?

25 A. It's the city clerks, whomever that is at

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1 the time.

2 Q. And that's who the Gwinnett County Board of  
3 Elections negotiates the intergovernmental agreement  
4 with?

5 A. It's not really a negotiation, but that is  
6 the point of contact between our office and the city  
7 councils. Yes.

8 Q. Thank you.

9 In Duluth, Lawrenceville, Lilburn, Norcross  
10 and Peachtree Corners, do you have any knowledge  
11 about the number of polling places that those cities  
12 employ?

13 A. One.

14 Q. Do each of those -- strike that.

15 Is it correct that Duluth, Lawrenceville,  
16 Lilburn, Norcross and Peachtree Corners all hold  
17 at-large elections?

18 A. No. Peachtree Corners has a mayor and three  
19 at-large positions and then they have three that are  
20 post-district wards. I'm not sure what they call  
21 them.

22 Q. Thank you.

23 To make sure I got this right then, so  
24 Duluth, Lawrenceville, Lilburn and Norcross hold  
25 at-large elections?

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1 A. Correct.

2 Q. Duluth, Lawrenceville, Lilburn and Norcross,  
3 they each have one ballot stop?

4 A. I do not know.

5 Q. Do the municipalities have early voting for  
6 their elections?

7 A. Yes.

8 Q. How long is that early voting period for?

9 A. I don't know.

10 Q. Have you run any elections in which  
11 municipalities are also holding elections or contests  
12 on the same day?

13 A. We had county elections with city elections  
14 on the same day?

15 Q. Yes.

16 A. Yes.

17 Q. Tell me about how that works in terms of the  
18 logistics of getting the ballot and ensuring that  
19 those municipal elections are also on the county  
20 ballot?

21 A. They are not on the county ballot. We don't  
22 conduct city elections, whatsoever. So on those  
23 days, voters have two polling locations. They have  
24 their county polling location and they have their  
25 city polling location. And they have to go to each



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1 one respectively.

2 Q. In those situations where you have a  
3 separate municipal and county election on the same  
4 day, for Duluth, Lawrenceville, Lilburn and Norcross,  
5 is the County Board of Elections still providing DRE  
6 machines to the municipalities?

7 A. It depends on the size of the election. If  
8 the election is very large and we have to deploy a  
9 lot of our equipment, then we do not. If it's a  
10 smaller election, for instance, a special election,  
11 then we would allow them the use of the equipment.  
12 And if not, I do not know what they do.

13 Q. You anticipated my next question.

14 A. Yeah.

15 Q. So is it fair to say that in situations  
16 where you -- say, the Gwinnett County Board of  
17 Elections has a major election and can't provide  
18 voting machines to the municipalities, do you have  
19 any knowledge of what the municipalities do in terms  
20 of their method of election?

21 A. I do not. And it's very rare that we have  
22 so many cities that we can't provide equipment to  
23 them. So I really don't know.

24 Q. Do you recall any specific elections in  
25 which municipalities requested voting machines and

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1 the Board of Elections was not able to provide them?

2 A. No.

3 Q. When the municipalities conduct early  
4 voting, is it the case that each municipality has its  
5 own separate early voting location?

6 A. I do not know.

7 Q. Do you know if municipalities hire temporary  
8 workers who assist with conducting municipal  
9 elections?

10 A. I do not.

11 Q. Let's consider the situation where you're  
12 about to conduct an election.

13 Can you please walk me through the steps of  
14 how you get the machines ready from the very  
15 beginning of getting them out of storage to the end?

16 A. Well, actually, they are not in storage;  
17 they are onsite. But we determine the number that  
18 we're going to deploy per precinct. Again, that's  
19 based on numbers and past voting history for the  
20 precinct.

21 We pull out ever how many of numbers that is  
22 per precinct. We tag them with that polling  
23 location, that precinct number and name. And then  
24 they are tested based on the day they are going to be  
25 delivered.

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1 We have 11 delivery trucks that deliver for  
2 three or four days. And so the precincts are tested  
3 by what day their election equipment is going to go  
4 out because that helps our rollout.

5 And they go through the process as we  
6 discussed, the diagnostics testing, the automatic L&A  
7 and in addition to that the -- what we call VWD,  
8 which is the sight and hearing keypad. We test to  
9 make sure that's correct.

10 In Gwinnett County we have to do a second  
11 check because we have our Spanish language that has  
12 to be checked as well.

13 Once everything is checked, if everything  
14 checks off okay, then that unit is closed and sealed  
15 and it gets put on a cart with whatever its truck  
16 number is.

17 Then those are delivered to polls prior to  
18 election day, then they are unsealed and they use  
19 them.

20 Q. That's a lot.

21 A. It is.

22 Q. So, perhaps, we should back up for a second.

23 Let's take just the designing of the ballot  
24 piece. Can you take me through the process by which  
25 the ballot is essentially designed and then loaded



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1 onto the DRE machines?

2 A. Well, the ballot itself is designed by the  
3 State. The information that we provide is anything  
4 local, which would be our local candidates, and any  
5 questions that we may have.

6 Once that is completed -- again, we're  
7 unique. So the State sends it back to us. We have  
8 to send it out for translation. Once all that takes  
9 place, then we go through and we do what we call  
10 "proof the ballots." We ensure that the correct  
11 ballot styles are appearing at the correct precinct  
12 with the precinct number.

13 Q. You mentioned that the ballot was -- is  
14 designed by the State?

15 A. Correct.

16 Q. How is the ballot actually transmitted from  
17 the State to you?

18 A. They put it onto -- I'm not going -- they  
19 put it onto something electronic. I'm not sure. And  
20 it's sealed at the State.

21 We have to go down and physically sign for  
22 that file. Again, it's in a sealed bag and we bring  
23 it back to our office.

24 Q. Has that always been the system since the  
25 DRE voting system has been in place?

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1 A. No. Prior to that, I believe, it was  
2 electronic transmission.

3 Q. Mm-hmm. And let's talk about that.

4 First, when was the switch made from the  
5 electronic transmission to the current system of  
6 physically going and picking it up?

7 A. I don't remember.

8 Q. Five years ago?

9 A. It's been within the last five years.

10 Q. That's helpful.

11 Please describe to me what the -- how the  
12 electronic transmission of the ballot was completed.

13 A. Before the switch or...

14 Q. Before the switch, yes. Thank you.

15 A. It was put onto a CD and we would go and  
16 pick it up and bring it back to the office. So it  
17 wasn't a sealed bag like it is now.

18 Q. Mm-hmm. And after the election is over,  
19 what would you do with that CD?

20 A. With the ballot layout on it?

21 Q. Yes.

22 A. I don't remember.

23 Q. Okay. Now, let's shift from the ballot  
24 design to the electronic poll books.

25 How long have electronic poll books been

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1 used in Gwinnett County?

2 A. Since 2002.

3 Q. How would -- strike that.

4 What's the process by which the information  
5 would get loaded onto the electronic poll books?

6 A. How would it get loaded into the electronic  
7 poll books? We would receive a file from the State.  
8 And then we put it onto a memory card. And then we  
9 insert the memory card into the express poll unit.

10 Q. How do you currently receive -- well, strike  
11 that.

12 First, what's the file that you receive from  
13 the State?

14 A. It's called the -- it's just called the  
15 "voter file," yeah. Bulk update file.

16 Q. Got it.

17 And how would -- now under the current  
18 system, how do you currently receive the bulk update  
19 from the Secretary's office?

20 A. I don't know because it has changed as well  
21 and I don't know how we get it now.

22 Q. Do you recall how the Secretary transmitted  
23 the bulk update before the current system?

24 A. I believe it was a secured FTP site.

25 Q. Could you please tell me more about how the



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1 bulk update was transmitted through the secured FTP  
2 site?

3 A. No because I wasn't involved in that  
4 process.

5 Q. Who was involved in that process?

6 A. Multiple staff members.

7 Q. Do you recall any of their names?

8 A. The same three I gave you earlier are the  
9 main three.

10 Q. Just to make sure I understand it at sort of  
11 the broadest level, tell me if I have this right.

12 So essentially the Secretary -- is it fair  
13 to say the Secretary of State -- wait, it wouldn't be  
14 the Secretary of State's Office necessarily. I might  
15 be wrong about that.

16 When the Kennesaw CES was in place, were you  
17 receiving the bulk update from the Kennesaw Center  
18 for --

19 A. -- Election Systems.

20 Q. Thank you. When the Kennesaw Center for  
21 Election Systems was in place, were you receiving the  
22 bulk update from the Kennesaw Center for Elections  
23 Systems?

24 A. I believe that's correct.

25 Q. Is it fair to say that the Kennesaw Center

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1 for Election Systems would post the bulk update on a  
2 secure FTP site and then someone with the Gwinnett  
3 County Board of Elections would download the bulk  
4 update from the FTP site?

5 A. Yeah.

6 MR. TYSON: Uh... okay. Fine. You  
7 already answered. That's fine.

8 BY MR. POWERS:

9 Q. Do you recall how long that process was in  
10 place for?

11 A. I do not.

12 (Plaintiff's Exhibit 8 was marked for  
13 identification.)

14 MR. POWERS: I'm going to hand you what  
15 I'm marked for identification as Plaintiff's  
16 Exhibit 8.

17 Copies for everyone. There's three  
18 here.

19 BY MR. POWERS:

20 Q. Have you had a chance to look it over?

21 A. Mm-hmm.

22 Q. Ms. Ledford, what is Plaintiff's Exhibit 8?

23 A. It looks like something from Kennesaw State  
24 or someone saying how the voter files are put out  
25 there -- or the -- yeah -- oh, I'm sorry -- ballot

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1 file for ballot proofing, yeah.

2 Q. You mentioned ballot proofing. Again, help  
3 me understand. Does that -- so talking about  
4 Plaintiff's Exhibit 8, are the contents of the files  
5 described in Plaintiff's Exhibit 8 relevant to the  
6 formatting of the ballot, the bulk update for the  
7 electronic poll books or both?

8 MR. TYSON: I'm going to object that we  
9 lack foundation for where we are. Has she  
10 seen this document before? Has she relied  
11 on this document. If we can lay some  
12 foundation before we get into that.

13 MR. POWERS: Sure.

14 BY MR. POWERS:

15 Q. Yeah. So Ms. Ledford, have you seen  
16 Plaintiff's Exhibit 8 before?

17 A. No.

18 Q. Have you seen documents similar to  
19 Plaintiff's Exhibit 8 before?

20 A. No.

21 Q. Who from the Gwinnett County Board of  
22 Elections would have been receiving these kinds of  
23 files from the Secretary?

24 A. Kelvin Williams and Kristi Royston.

25 Q. Got it. So if communications were coming



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1 from the Secretary or from the Kennesaw Center for  
2 Elections Services, they probably would have been  
3 going to Kelvin or -- Kelvin Williams or Kristi  
4 Royston?

5 A. Well, they would not have been going to  
6 them. They would have been made aware that they were  
7 out there and available for them to retrieve.

8 Q. Are you familiar with the types of files  
9 that are listed in Plaintiff's Exhibit 8?

10 A. I know what they are talking about. I've  
11 never actually seen them.

12 Q. Let's talk about -- let's turn to the second  
13 page.

14 In particular, let's talk about the third  
15 item listed here which I will call Cherokee County,  
16 slash, express poll, slash, ED file, slash November  
17 2016 general election dot zip. Do you see that?

18 A. Mm-hmm.

19 Q. Do you see where it says that this is not a  
20 file posted for each county? This file is only  
21 posted to those counties who produce the storage  
22 media into the jurisdiction's express polls  
23 themselves. Counties that do this operation are  
24 Fulton, Cobb, DeKalb, Gwinnett, Forsyth, Chatham,  
25 Henry, Columbia, Clayton and Cherokee.

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1 Do you see that?

2 A. Yes.

3 Q. Would you mind explaining to me in layman's  
4 terms what this -- what this is in terms of producing  
5 the storage media and loading it into the express  
6 polls?

7 A. No --

8 MR. TYSON: Object again on foundation.  
9 I don't think we've established that she  
10 knows what this process is referring to  
11 before you get into details of it.

12 MR. POWERS: Yeah, no, that's fair.  
13 Perhaps, we should go through some of these  
14 and talk about them individually.

15 BY MR. POWERS:

16 Q. Let's start with -- on the first page, the  
17 very first one, Appling County, slash, proof, slash,  
18 audio, slash, Appling audio.

19 Is that a file that Gwinnett County uses?

20 A. Yes.

21 Q. What is that file?

22 A. It is the file that is used for the --  
23 what's called the VWD, which is voters with  
24 disability. This is the ballot that has been  
25 recorded for use with that piece of equipment.

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1 Q. That's something that Gwinnett County uses?

2 A. Yes.

3 Q. Let's move down one.

4 Do you see where Plaintiff's Exhibit 8 lists  
5 the file Appling County, slash, proof, slash, ballot,  
6 slash, 01, dash, Appling dot zip?

7 A. Yes.

8 Q. What is that file?

9 A. That's the ballot proofing file.

10 Q. Again, would you mind explaining in layman's  
11 terms what the ballot proof is?

12 A. Yes. We actually print out every possible  
13 ballot style within Gwinnett County and we ensure  
14 that everything on that ballot is correct; that the  
15 districts are correct, that the spelling is correct,  
16 the titles are correct and the instructions for the  
17 voter -- vote for one, vote for two -- we ensure all  
18 that information is accurate.

19 Q. Is that proof -- strike that.

20 Is that ballot proof just for paper ballots  
21 or for the DRE machines as well?

22 A. I don't know. I can't remember.

23 Q. Is that ballot proof for the DRE voting  
24 machines?

25 A. I don't know.



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1 Q. Turning back to the Appling County proof  
2 ballot 01 Appling dot zip file, is that a file that  
3 the Gwinnett County Board of Elections uses?

4 A. Yes.

5 Q. Let's skip down a little bit to the third  
6 one from the bottom. So we're skipping one. The  
7 file that says, Appling County, slash, express poll,  
8 slash number list 001, in parenthesis 11-08-2016 dot  
9 PDF?

10 A. Mm-hmm.

11 Q. What is that file?

12 A. That's the number list of voters. And what  
13 that is is a list of people who voted at each  
14 precinct, not in, you know, any kind of order, just  
15 who voted.

16 Q. Does Gwinnett County use that file?

17 A. We do.

18 Q. Let's turn back to the second page. I guess  
19 it would be right in the middle there.

20 Do you see the copy that -- strike that.

21 Do you see the file that's listed Clayton  
22 County, slash, GEMS DB, slash, asterisk, asterisk,  
23 asterisk dot GBF?

24 A. Yes.

25 Q. What is that file?

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1 A. I have no idea.

2 Q. Moving to the second from the bottom, do you  
3 see the file listed as Richmond County, slash, GEMS  
4 DB, slash, 2 period GEMS instructions dot PDF?

5 A. Yes.

6 Q. What is that file?

7 A. According to this, this is a manual on GEMS  
8 operation. I do not -- I have not seen that.

9 Q. So considering Plaintiff's Exhibit 8 as a  
10 whole, is it fair to say that several files are  
11 listed in Plaintiff's Exhibit 8 that the Gwinnett  
12 County Board of Elections uses?

13 A. Yes.

14 Q. Are these files that the Gwinnett County  
15 Board of Elections received at some point from the  
16 Kennesaw Center for Election Services?

17 MR. STEPHENS: If you know.

18 THE WITNESS: I just want to make sure  
19 there was no objection to that one.

20 MR. TYSON: You're fine.

21 THE WITNESS: Yes.

22 MR. POWERS: Perhaps, we can have the  
23 court reporter read back the question.

24 (Whereupon, the record was read back as  
25 follows:

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1 Q. Are these files that the Gwinnett  
2 County Board of Elections received at some  
3 point from the Kennesaw Center for Election  
4 Services?)

5 THE WITNESS: Yes.

6 BY MR. POWERS:

7 Q. Were these files received from the FTP  
8 server that Kennesaw Center for Election Services  
9 used?

10 A. I could not confirm that.

11 Q. Ms. Ledford, do you currently still receive  
12 many of the files that are listed in Plaintiff's  
13 Exhibit 8?

14 A. Correct, yes.

15 Q. Whom do you currently receive the files  
16 from?

17 A. The Secretary of State's Office.

18 Q. Do you receive those files in person through  
19 the means -- strike that.

20 Remind me again how you receive the files  
21 listed in Plaintiff's Exhibit 8 from the Georgia  
22 Secretary of State's Office?

23 A. I couldn't tell you how we receive all of  
24 those. I just know there are certain ones that --  
25 they let us know they are ready. We personally go



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1 down. And we pick them up in a sealed container and  
2 unseal them once they are in our office.

3 Q. Thank you.

4 All right. Let's turn back to talking about  
5 absentee ballots.

6 Running an absentee ballot program in a  
7 county the size of Gwinnett County is a complicated  
8 operation. Would you agree?

9 A. Yes.

10 Q. Many voters -- strike that.

11 Is it fair to say that there are many  
12 absentee ballots cast in Gwinnett County elections?

13 A. Yes.

14 Q. Do you recall approximately how many  
15 absentee ballots were cast in the November 2018  
16 general election?

17 A. Approximately 18,000.

18 MR. POWERS: In fact, I'm handing you  
19 what I'm marking for identification as  
20 Plaintiff's Exhibit 9.

21 (Plaintiff's Exhibit 9 was marked for  
22 identification.)

23 BY MR. POWERS:

24 Q. Maybe we could just go through Plaintiff's  
25 Exhibit 9 briefly.

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1 First, what is Plaintiff's Exhibit 9?

2 A. It is the certified election results from  
3 the November 6, 2018 general election.

4 Q. Could you explain briefly what the certified  
5 general elections results are?

6 A. Sure. This is a listing of all the  
7 candidates and issues that appeared on the ballot.  
8 It gives you the name, the party, if it was a party  
9 official. It gives you the results of the polling  
10 location from election day, absentee by mail,  
11 absentee -- I'm sorry -- advanced voting in person  
12 and then provisional ballots that were tabulated for  
13 these races.

14 Q. You anticipated my question.

15 So, yeah, if you wouldn't -- so in the  
16 middle of the document, it looks like there are five  
17 columns: polling, ABM, AIP, AIP2, PRO -- P-R-O --  
18 and total.

19 And if you wouldn't mind just taking me  
20 through those columns and explaining what they mean.

21 A. Sure. Polling is the votes that were cast  
22 at the polling location on election day exclusively.

23 Absentee by mail is all the absentee ballots  
24 that were received in the office and tabulated.

25 AIP and AIP2 are advance in-person location.

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1 That's broken down into two columns because the GEMS  
2 server will only recognize 99 units for one vote  
3 center and we have over a hundred. So that's broken  
4 down into two; nothing specific in either one of  
5 those.

6 Provisional is the number of provisional  
7 ballots that were cast and tabulated for those races.

8 Q. Which of the columns listed in Plaintiff's  
9 Exhibit 9 are cast on DRE voting machines?

10 A. Polling, AIP1 and AIP2.

11 Q. Is it fair to say that the ABM and PRO, or  
12 provisional ballot columns, are cast using  
13 hand-marked paper ballots?

14 A. Correct.

15 Q. I'd like to just briefly run through a  
16 couple of the election totals starting with governor.

17 In particular in the governor's election in  
18 2018, how many total votes did the three candidates  
19 for governor receive?

20 A. Individually you mean?

21 Q. Yes.

22 A. Okay. Brian Kemp 132,998. Stacey Abrams,  
23 one thousand -- I'm sorry -- 178,097. Metz 30,892.  
24 And then 196 write-in votes.

25 Q. Thank you.



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1 A. Mm-hmm.

2 Q. Can you please do the same for the 2018  
3 lieutenant governor's election in Gwinnett County?

4 A. Yes. Jeff Duncan 132,992. Sarah Amico  
5 170,229. And then write-in votes 299.

6 Q. Thank you. And can you please do the same  
7 for the 2018 Secretary of State election in Gwinnett  
8 County?

9 A. Yes. Brad Raffensperger 130,813. John  
10 Barrow 172,213. Duval 8,634. And 127 write-ins.

11 Q. Thank you.

12 Can you please do -- we're going to skip one  
13 and if you could please do the same for me for the  
14 commissioner of agriculture race in 2018 in Gwinnett  
15 County.

16 A. Yes. Black 140,219. Swan 168,343. And 247  
17 write-ins.

18 Q. Thank you.

19 And then if we can turn to the next page, if  
20 we could turn -- looking in the middle of the page,  
21 if you wouldn't mind doing the same for me for the  
22 commissioner of labor race in 2018 in Gwinnett  
23 County.

24 A. Butler 138,912. Keatley 170,286. One  
25 hundred and fifty-two write-ins.

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1 Q. Thank you.

2 A. Mm-hmm.

3 Q. All right. Let's talk about absentee  
4 ballots.

5 Would you mind taking me through, again,  
6 from the beginning to the end, the process by which  
7 paper ballots are designed, created and disseminated  
8 to Gwinnett County voters?

9 A. Yes. They are created by the Secretary of  
10 State's Office in conjunction with us providing the  
11 local information. They create it. They send us the  
12 ballot proof. We proof it. And then we receive a  
13 file -- a file is credited. We create and print --  
14 don't create. I apologize. We print our own ballots  
15 based on need and we mail them to the voters.

16 Q. When you're creating the absentee ballot,  
17 does -- strike that.

18 What role does the GEMS database play in  
19 creating the ballot?

20 A. I couldn't say from the Secretary of State's  
21 Office. We receive the ballot, we put it into it and  
22 it aggravates the vote totals.

23 Q. Is the Gwinnett County Board of Elections  
24 proofing the GEMS database?

25 A. Yes.

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1 Q. Describe to me that proofing process that  
2 the GEMS database --

3 A. The file that was described in Exhibit 8, we  
4 receive that file. And then we print out all of  
5 those ballots and they are manually checked by two to  
6 four people depending on the size of the ballot.

7 Q. For the sake of the record, can you identify  
8 the file in Plaintiff's Exhibit 8 that you're  
9 referring to?

10 A. No. It's not me that does it, so...

11 Q. Fair enough. I wouldn't be able to identify  
12 it either.

13 So then -- but it's your belief that it's  
14 one of the files that is listed in Plaintiff's  
15 Exhibit 8?

16 A. I couldn't say that because I'm not familiar  
17 with the file, so I don't want to speculate.

18 Q. Who at the Gwinnett County Board of  
19 Elections is proofing the database?

20 A. Kristi Royston is the lead and then she  
21 chooses the people that work with her on that.

22 Q. Do you know how she goes about proofing?

23 A. I don't.

24 Q. You had mentioned -- strike that.

25 Does the proofing include the Spanish



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1 language?

2 A. It does.

3 Q. Who is doing the proofing of the Spanish  
4 language portion?

5 A. Staff members, different ones.

6 Q. Would the staff members have to know Spanish  
7 to proof the Spanish language portion of the --

8 A. Yes.

9 Q. Remind me again, so once you've gotten the  
10 proof back from the secretary, what happens next?

11 A. Well, we go through. We have them make any  
12 corrections if there are any. We reproof, so we may  
13 proof one ballot several times depending on what the  
14 errors or corrections need to be.

15 Once everything is in order, then we sign  
16 off on that ballot. And that lets them know that  
17 everything is good to go for that ballot.

18 Q. When this proofing takes place, is it a  
19 separate process for absentee ballots and the ballot  
20 that's displayed on DRE machines or is it the same  
21 thing?

22 A. I don't know.

23 Q. Does Kristi Royston conduct the proofing  
24 process to see that only the voters casting ballots  
25 on DRE machines can -- strike that.

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1 Does Kristi Royston proof the ballot that  
2 appears on DRE voting machines to ensure that voters  
3 can vote only for the contest that they are eligible  
4 to vote for?

5 A. I'm not really -- I'm a little confused.

6 MR. STEPHENS: You may need to restate  
7 the question.

8 MR. POWERS: So let's take for  
9 example -- I'm going mark this as  
10 Plaintiff's Exhibit 10.

11 (Plaintiff's Exhibit 10 was marked for  
12 identification.)

13 BY MR. POWERS:

14 Q. Ms. Ledford, what is Plaintiff's Exhibit 10?

15 A. This is the election summary report for the  
16 presidential preference primary from March 1st of  
17 2016.

18 Q. How many contests are on the election  
19 summary report for the presidential preference  
20 primary?

21 A. Two.

22 Q. What contests are those?

23 A. Republican presidential potential candidates  
24 and Democratic presidential potential candidates.

25 Q. Were there any other presidential elections

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1 or contests on the ballot on March 1st, 2016?

2 A. No.

3 Q. Will Gwinnett County be conducting a  
4 presidential preference primary on March 24, 2020?

5 A. Yes.

6 Q. And will there be -- strike that.

7 For the March 24, 2020 presidential primary,  
8 will the Republican and Democratic primaries be on  
9 the ballot?

10 A. Yes.

11 Q. For president?

12 A. Yes.

13 Q. Will any other races be on the ballot?

14 A. Not to my knowledge, but that's a special  
15 election date, so it's possible that other things can  
16 appear on that ballot.

17 Q. Say Kristi Royston is proofing the ballot  
18 for a presidential preference primary, is she  
19 proofing the ballot to ensure, for example, that  
20 voters casting ballots on DRE machines in a  
21 Republican primary election will only see the  
22 Republican candidates on their ballot and not  
23 Democratic candidates?

24 A. Yes.

25 Q. How would she go about doing that?



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1 A. I don't know her procedure for that.

2 Q. Similarly, for any primary elections, she  
3 would proof the ballots and make sure that voters  
4 casting a ballot in a particular party's primary  
5 would only see candidates for that party's primary?

6 A. Yes.

7 Q. Now, let's talk about some of the logistics  
8 related to the printing of the paper ballots.

9 You decide how many paper absentee ballots  
10 to print for a particular election?

11 A. We don't preprint. It's based on need. So  
12 if we get in 25 applications that day, we print out  
13 those 25 ballots and mail those.

14 Q. Let's consider provisional ballots.

15 How do you decide how many provisional  
16 ballots to print for a particular election?

17 A. Based on history and anticipation of the  
18 election. So it varies. It could be 1.5 percent.  
19 It could be one percent of the total active  
20 registered voters for a polling location.

21 Q. How do you disperse those provisional  
22 ballots between, for example, different early voting  
23 locations?

24 A. Well, early voting is a little different.  
25 Early voting gets a standard number. They get, for

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1 instance, five of every ballot style. Now, sometimes  
2 it may only be two. It may be 10. It depends on the  
3 elections that we're having, but they get every  
4 ballot style because any voter in the county can go  
5 to one of our satellite locations.

6 Q. Mm-hmm. Roughly -- strike that.

7 Do you have a sense of how many provisional  
8 ballots the early voting location centers might  
9 receive?

10 A. No.

11 Q. Now, let's turn to election day.

12 How many provisional ballots will be sent to  
13 particular polling places?

14 A. Again, it depends. It's whatever the  
15 election is and what we feel the anticipation is. It  
16 could be one percent. It could be three percent.  
17 There's no -- there's no -- it's kind of a sliding  
18 scale depending, again, on the election itself.

19 Q. Has there ever been a situation in which a  
20 polling place has run out of provisional ballots?

21 A. No.

22 Q. How much does it cost to print paper  
23 ballots?

24 A. It's 55 cents per page.

25 Q. How long does it take for the printer to

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1 turn around a print order once you give it to them?

2 A. I don't know.

3 Q. Does the price of printing paper ballots  
4 depend on the type of printer that's used?

5 A. No. We have Ballot On Demand. We have our  
6 own printers and it's 55 cents a page regardless.

7 Q. Got it. So for Ballot On Demand printers,  
8 the cost is 55 cents per page?

9 A. Correct.

10 Q. Do you know what the cost per page is on  
11 other types of printers?

12 A. You're talking from other vendors?

13 Q. (Counsel nods head affirmatively.)

14 A. No. I don't remember.

15 Q. Let's consider the whole absentee ballot  
16 process sort of from the beginning.

17 How long in advance do you need to know what  
18 the ballot style is to be able to get them printed in  
19 time to conduct the absentee ballot process?

20 A. I'm sorry. Can you say that question again?

21 Q. Sure. I'll say it a little more simply.

22 How long before an election do you need to  
23 start preparing for the absentee balloting process?

24 A. Well, we vote -- whatever the beginning  
25 deadline is for that because we have -- depending on



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1 the type of ballot, the -- a voter can request a  
2 ballot 180 days prior to election and by law we have  
3 to start issuing 40 to 45 days depending upon when  
4 you can get the ballot ready.

5 So we would need to have it a couple of  
6 weeks -- have it ready to go a couple of weeks prior  
7 to that so that we would have a chance to get it  
8 loaded and, like you said, to start printing the  
9 provisional ballots as well.

10 Q. So let's --

11 A. Six weeks before election.

12 Q. Let's take, for example, the upcoming March  
13 presidential primary.

14 A. Mm-hmm.

15 Q. If an election -- if the election day itself  
16 is March 24th, you would need six weeks before that  
17 to start preparing?

18 A. Minimum.

19 Q. I think we've touched on this a little bit  
20 already, but could you help explain to me how the  
21 Gwinnett County Board of Elections ensures that when  
22 a voter requests an absentee ballot, that the right  
23 ballot style is sent to him or her.

24 A. Well, with Ballot On Demand, it works with  
25 the election net system. And so the staff during the

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1 day will go in and enter everyone who has requested a  
2 ballot. They would enter any edits that go with that  
3 ballot, meaning over 75 military -- you know,  
4 disabled.

5 And at some point during the day, they take  
6 that file and they load it into the ballot printing  
7 file. And because it's coming directly from ENet,  
8 that knows what ballot style to print for that voter  
9 and it even prints out with the voter's name on the  
10 stub at the top so that when staff members start  
11 putting that ballot packet together, they know that  
12 they've got John Brown's absentee application, then  
13 they have John Brown's ballots and John Brown's  
14 labels for his ballot packet.

15 Q. Have you found this process to be effective  
16 in terms of making sure that voters are getting the  
17 right ballot?

18 A. Yes. It's been much more efficient than the  
19 way that we did it previously.

20 Q. Do you know what the error rate is with  
21 respect to voters receiving the wrong ballot style in  
22 their paper absentee form?

23 A. I would have to say it's very minimum --  
24 very, very minimal because I don't get complaints  
25 about that usually.

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1 Q. Could you describe in a little bit more  
2 detail for me how the Ballot On Demand system  
3 interacts with ENet?

4 A. I really can't. I'm not the tech person in  
5 that. I know -- I'm the user, so I know it goes from  
6 here to there, but I don't know the process itself  
7 because I've never been a part of that. I've seen  
8 it, but I've never actually done it.

9 Q. Sure. And who kind of takes the lead on the  
10 tech side in terms of that process?

11 A. Our voter registration team.

12 Q. Mm-hmm. And remind me again who leads the  
13 voter registration team?

14 A. Well, you haven't heard that name. It's  
15 Shantell Black.

16 MR. POWERS: All right. Well, perhaps,  
17 now would be an okay time to break for  
18 lunch.

19 THE WITNESS: Oh, sure.

20 MR. POWERS: Go off the record.

21 (Recess from 12:04 p.m. to 1:04 p.m.)

22 BY MR. POWERS:

23 Q. Before the break, Ms. Ledford, we were  
24 talking about the DRE machines and the testing that  
25 was done. And you mentioned that the Gwinnett County



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1 Board of Elections tests all the voting machines; is  
2 that correct?

3 A. The ones that are going to be used.

4 Q. On election day and during early voting?

5 A. Yes.

6 Q. The testing of the DRE machines is  
7 documented by your office; is that correct?

8 A. Yes.

9 Q. Roughly speaking, how long does it take to  
10 test a DRE machine?

11 A. Depends on the length of the ballot. It's  
12 takes anywhere from half a minute to a minute to  
13 maybe five or six.

14 Now that we have a Spanish language, it  
15 takes a little bit longer. It just depends on the  
16 length of the ballot. It depends on the person  
17 that's doing the testing, you know, how quick they  
18 are and different factors.

19 Q. Mm-hmm. So with the Spanish language now on  
20 the ballots, is that range of a minute to five  
21 minutes, roughly speaking, increased or --

22 A. Yeah because it's double. Because whatever  
23 you do in English, you then have to turn around and  
24 do in Spanish. It takes us on average four to five  
25 weeks to do all of our testing.

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1 Q. Four to five weeks?

2 A. Mm-hmm.

3 Q. How many employees are you involved in the  
4 -- strike that.

5 How many employees are part of the testing  
6 of those machines during the four- to five-week  
7 period?

8 A. Again, it depends on the number that we're  
9 doing. Usually, it's a minimum of seven to eight  
10 with a maximum of up to 20 to 25.

11 Q. How many times has -- strike that.

12 Are you aware of any instances in which the  
13 logic and accuracy testing caught any errors or  
14 mistakes on the DRE machines?

15 A. No.

16 Q. If the logic and accuracy testing had caught  
17 any errors or mistakes on the DRE machines, would you  
18 have been made aware of that?

19 A. Yes.

20 Q. Well, do you test the optical scanner in any  
21 way as part of the logic and accuracy testing of the  
22 DRE machines?

23 A. Yes. I think we discussed that earlier.  
24 Yes.

25 Q. From the beginning of the process, what is

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1 the chain of custody for the voting machines as  
2 they're brought out of storage and tested and put  
3 into the polling places?

4 A. They -- there is a form. And whoever  
5 receives it at the polling location signs that chain  
6 of custody. They get a copy and then we bring a copy  
7 back for our records.

8 Q. Are there county employees at the individual  
9 or early voting locations and polling places who  
10 receive the DRE machines or does it tend to be  
11 individuals working at, say, the local library or the  
12 school --

13 A. It's whoever the contact at the facility is,  
14 yeah.

15 Q. So let's take a hypothetical where a voting  
16 machine is tested and is being sent to an elementary  
17 school.

18 Is it generally the policy that the Board of  
19 Elections is responsible for delivering the voting  
20 machines to the elementary school?

21 A. Correct.

22 Q. And then an employee or point of contact  
23 with the elementary school would sign a form with the  
24 county official who's delivering the machine to say,  
25 I'm receiving the DRE machine and taking custody of



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1 it?

2 A. Correct.

3 Q. How far in advance of the election would  
4 this change chain of custody occur?

5 A. We start delivering the Wednesday prior to  
6 the election and we finish up on Monday.

7 Q. Tell me about the time frame for delivering  
8 DRE machines to early voting locations.

9 A. Those are delivered on the Saturday before  
10 they start because -- or Friday or Saturday depending  
11 on whether they are starting on Saturday or Sunday.

12 Q. Tell me about the chain of custody with  
13 respect to the memory cards that are eventually  
14 inserted into the DRE machines.

15 A. Well, that -- the machine -- it's already in  
16 the machines when they are delivered. When we do the  
17 L&A testing, they are put in there at that time and  
18 they are sealed. And then it gets delivered. The  
19 poll workers don't insert that; that's already done.

20 Q. Got it. Make sure I understand it  
21 correctly.

22 Going back to our hypothetical with  
23 delivering the voting machines to the elementary  
24 school, is it fair to say it's the policy of the  
25 Gwinnett Board of Elections when voting machines are

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1 delivered to the elementary school, that the memory  
2 cards are actually inserted in the voting machines at  
3 the time of delivery?

4 A. No. They are inserted during L&A testing.  
5 That's what you're testing is that memory card. So  
6 once the testing has been completed, then the unit is  
7 sealed with a number seal.

8 The side door is closed and locked and then  
9 the unit itself is sealed with a number seal.

10 Q. And remind me again. Is that logic and --  
11 L&A testing, does that L&A testing occur before the  
12 DRE machines are delivered to the elementary school  
13 or after they are received by the folks at the  
14 elementary school?

15 A. No. All the L&A is done prior to the  
16 delivery of the equipment.

17 Q. Got it. So let me make sure I understand  
18 this right.

19 When the voting machines are received at the  
20 elementary school, are the memory cards in the DRE  
21 machines at that time?

22 A. Yes.

23 Q. Would that be true both for machines that  
24 are used for early voting and for DRE machines that  
25 are used on election day?

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1 A. Yes.

2 Q. When is the next stage in the process, once  
3 the machines are delivered, at which point the Board  
4 of Elections or any election official or poll worker  
5 is involved, again, with respect to getting the DRE  
6 machines ready or tested?

7 A. Well, everything is already tested prior to  
8 that. So at six o'clock on election morning, they  
9 open up the machines and it automatically runs their  
10 zero tape. And that lets them know that starting on  
11 that day there have been no votes cast on that unit.

12 Q. Is --

13 (Witness conferring with counsel.)

14 MR. POWERS: I'm sorry.

15 THE WITNESS: I'm sorry.

16 MR. POWERS: You want to take a second?

17 (Discussion ensued off the record.)

18 BY MR. POWERS:

19 Q. So to go back to the hypothetical we were  
20 talking about before, the voting machines have been  
21 received by the elementary school sometime between  
22 the Wednesday and the Monday before election day?

23 A. Mm-hmm.

24 Q. And is it fair to say that there's no  
25 further testing on the DRE machines or the memory



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1 cards between when they arrive at the polling site  
2 and when election day opens or before election day  
3 opens at around 6:00 a.m.?

4 A. Correct.

5 Q. Now, let's talk about what happens with the  
6 DRE machines after the election is over.

7 Can you please take me through what happens  
8 after the polls close and -- strike that.

9 Let's -- if you wouldn't mind just telling  
10 me what happens with the DRE machines once the polls  
11 close on election day.

12 A. Once they close, the poll workers insert a  
13 supervisor card and they do a code. And that causes  
14 the unit to start printing out the election results.

15 And each unit prints out three results.  
16 While that's going on simultaneously, numbers are  
17 being taken off the express poll.

18 Everything has a recap sheet. There's a DRE  
19 recap sheet where the information is record. There's  
20 an express poll recap sheet where everything is  
21 recorded.

22 When that's done, they will pack all of that  
23 up. The memory cards are taken out of each unit.  
24 They are put into a sealed bag. The sealed bag along  
25 with some other items are brought back to the

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1 Elections Office on election night and there they are  
2 unsealed.

3 Q. What happens after they are unsealed?

4 A. That's done at the main office and that's  
5 when we start downloading the election results and  
6 aggregating it into the GEMS server.

7 Q. Ms. Ledford, I'm handing back to you what we  
8 previously marked for identification as Plaintiff's  
9 Exhibit 3.

10 A. Mm-hmm.

11 Q. And what is Plaintiff's Exhibit 3?

12 A. It's the number of provisional ballots that  
13 were tabulated for the November 6, 2018 general  
14 election.

15 Q. And does it say -- sorry.

16 Does Plaintiff's Exhibit 3 say how many of  
17 those provisional ballots were counted and partially  
18 counted and not counted?

19 A. Correct.

20 Q. How many provisional ballots were not  
21 counted in the November 2018 election in Gwinnett  
22 County?

23 A. Five hundred and sixty-four.

24 Q. How many were partially counted?

25 A. One thousand seven hundred eighty-five.

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1 Q. And how many were -- strike that.

2 How many provisional ballots were completely  
3 counted in Gwinnett County in the November 2018  
4 election?

5 A. Four hundred thirty-one.

6 Q. Thank you.

7 Ms. Ledford, are all of these provisional  
8 ballots hand-marked paper ballots?

9 A. Correct.

10 Q. And they are counted using optical scanners?

11 A. Correct.

12 Q. Ms. Ledford, does Gwinnett County have an  
13 intake process with respect to receiving election  
14 complaints from voters?

15 A. Yes.

16 Q. Could you please describe it to me?

17 A. It's actually one of the exhibits we  
18 provided to you. At all of our polling locations we  
19 provide comments and concerns forms. And that allows  
20 the voters to get information directly to us.

21 Q. Is that Plaintiff's Exhibit 4?

22 A. Yes.

23 Q. Could you please take me through the --  
24 well, strike that.

25 Does Plaintiff's Exhibit 4 consist of



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1 individual voter complaint intake forms filled up by  
2 voters that -- sorry -- strike that.

3 Plaintiff's Exhibit 4 consists of voter  
4 complaint intake forms from the November 2018  
5 election?

6 A. Yes.

7 Q. Are these forms made available at all  
8 polling places and early voting locations in Gwinnett  
9 County?

10 A. Yes.

11 Q. What are the circumstances in which a voter  
12 complaint intake form might be filled out?

13 A. Anytime they feel like anything was not  
14 handled appropriately. If they feel like there was a  
15 problem with their voting machine, if they felt there  
16 was a problem with an absentee ballot. Some people  
17 don't like having to cast a provisional ballot.

18 It's just a myriad of any -- a lot of times  
19 misinformation that a citizen has received. They'll  
20 go to a polling place. It confuses them. So then  
21 they write a letter and provide this information.  
22 And, of course, then we give them the information  
23 they need, so they understand. So it's all over the  
24 place.

25 Q. Is it the policy of the Gwinnett County

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1 Board of Elections to respond --

2 A. It is.

3 Q. -- to each voter's complaint?

4 A. Yes.

5 Q. Why don't we go through some of the  
6 individual --

7 (Witness confers with counsel.)

8 MR. STEPHENS: We see that there needs  
9 to be a further redaction of that exhibit to  
10 comply with statutory requirements. So  
11 maybe at the end of this deposition we can  
12 do that.

13 MR. POWERS: That works for us and,  
14 well -- what is the category of information  
15 that we need to be redacting?

16 MR. STEPHENS: Phone numbers and --

17 THE WITNESS: Some of them have E-mail  
18 addresses?

19 MR. POWERS: Phone numbers and E-mail  
20 addresses?

21 MR. STEPHENS: Yes.

22 MR. POWERS: Is it okay if we proceed  
23 with questioning of the document that will  
24 not involve any personal identifiable  
25 information?

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1 MR. STEPHENS: Yes, sir.

2 MR. POWERS: Great. And, I think,  
3 redacting the pieces of information  
4 afterwards is fine.

5 MR. STEPHENS: All right.

6 BY MR. POWERS:

7 Q. I should have asked. Does the Gwinnett  
8 County Board of Elections also have an E-mail address  
9 which voters sometimes E-mail with complaints?

10 A. Not specifically. We have several different  
11 E-mail addresses and various things will come through  
12 all of those but not one specifically for complaints.

13 The form itself is on the website and it has  
14 the information about scanning it back to -- I think  
15 it's the voterregistration@GwinnettCounty.com. So  
16 they'll scan those back in, but we don't usually get  
17 just a straight complaint through the E-mail address.

18 Q. Got it.

19 To make sure I understand it correctly,  
20 voters will take these voter complaint forms like  
21 those in Plaintiff's Exhibit 4 with them from the  
22 polling place. After they vote, they fill them out  
23 and then they return them essentially per the  
24 instructions on the form.

25 A. Correct. And it's also on the website. So



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1 sometimes they'll do that because they can actually  
2 type the information in rather than handwriting it.

3 Q. Got it.

4 So if you wouldn't mind taking me through  
5 the individual voter complaints that you provided in  
6 Plaintiff's Exhibit 4, again, not providing any of  
7 the personally identifiable contact information but  
8 providing the name of the voter and the type of  
9 problem that they experienced and, perhaps, starting  
10 with the first page of Plaintiff's Exhibit 4.

11 A. You said you wanted the voter's name?

12 Q. Yes.

13 A. Maury -- something -- Johnson Mike. I can't  
14 read their handwriting.

15 This particular voter stated that prior to  
16 her casting her ballot, when she was looking at her  
17 summary screen, that the card popped out and she did  
18 not get to push the "cast ballot" button.

19 Q. Thank you.

20 Could you explain to me what that means in  
21 terms of it popping out and -- yeah, let's start with  
22 that.

23 A. Well, usually, what we have found that it  
24 means is that the voter did accidentally get close to  
25 or touched the "cast ballot" button without realizing

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1 it because some of those machines are very sensitive.  
2 Just like your cell phone, you can just hover your  
3 figure over it and it'll do it. So that is what we  
4 found out with most of those.

5 Q. Let's take it back a step.

6 So what kind of -- what is the nature of the  
7 complaint like this with respect to why does it pop  
8 back out? Is it because the voter --

9 A. Because the "cast ballot" button was touched  
10 and that means it record the vote.

11 Q. Got it. Make sure I understand this  
12 correctly.

13 A. Sure.

14 Q. The voter has hit some selections, the  
15 screen pops up and then the vote goes through without  
16 the voter having an opportunity to review it?

17 A. I'm not going to say that because I don't  
18 know that's the case.

19 I know the voter has it in front of them.  
20 If they lay their hand down or get anywhere near  
21 that, it will cause it to cast the ballot. So that's  
22 a voter issue not a machine issue.

23 Q. Fair enough.

24 How did you find out that hovering your  
25 finger over the touch screen causes the ballot to be

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1 cast?

2 A. Because I've been doing these machines since  
3 2002. It's through experience. It's not any  
4 testing. It's not any super-secret squirrel mission  
5 that we did. It's through use of the equipment.  
6 That's one of the things that we noticed. It's not  
7 very often, but it does happen on these machines.

8 Q. Has these issues occurred in elections prior  
9 to 2018?

10 A. I'm sure it has. I just don't think it's  
11 been significant because we don't get a lot of those  
12 kinds of complaints. They are very, very few.

13 Q. Mm-hmm. Got it.

14 But you -- do you recall receiving  
15 complaints about this issue in elections prior to  
16 2018?

17 A. I'm sure I have because it's -- you know,  
18 there's just a series of complaints that you get and  
19 this is just one of the types of complaints that we  
20 have gotten. But, again, very, very few and far  
21 between for that particular type.

22 Q. Mm-hmm. And say that situation occurs for  
23 whatever reason a voter -- say, I'm a voter and I  
24 typed in one of my selections wrong and I cast the  
25 ballot and I'm like, oh, I made a mistake, is there



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1 anything that can be done to allow that voter to --  
2 allow me to recast the ballot or once it's in, it's  
3 in?

4 A. Once it's cast, it's cast. There's no way  
5 to retrieve a ballot.

6 Q. There's no way to retrieve a ballot on the  
7 DRE machine?

8 A. Yeah because it's randomized. We wouldn't  
9 have any idea which ballot was that voters.

10 Q. Got it. Perhaps we could flip to the second  
11 page of Plaintiff's Exhibit 4.

12 A. Sure. When I touch a candidate on the right  
13 side of the screen, it selects another candidate.  
14 The right side of the screen is faulty on the third  
15 to the last machine on the right side of the front  
16 section of the voting booth. The machine made a  
17 selection for me.

18 Q. What is the name of the voter?

19 A. Oh, Archel Bernard.

20 Q. Is essentially what Mr. Bernard saying is  
21 that he tried to vote for candidate X and instead  
22 candidate Y's name lights up as having been selected?

23 A. Mm-hmm. I think so, yes.

24 Q. How does that kind of problem occur?

25 A. I have no idea because I don't know --

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1 without being there, I don't know if the voter  
2 touched something. If he had a big finger and put  
3 his whole finger down and it registered one instead  
4 of the other. I don't know if he had something on  
5 him that touched the screen.

6 You know, without having been there, we  
7 don't know. And that's, you know, another reason why  
8 you have that review screen at the end, so if  
9 something is incorrect, they can go back and correct  
10 it before they cast their ballot. Like I said, it  
11 would be pure speculation to guess that was what  
12 caused that.

13 Q. Has this kind of issue cropped up in  
14 elections before the November 2018 election?

15 A. Usually only in general elections when  
16 there's parties involved --

17 Q. And --

18 A. -- which lead you to believe it's a voter  
19 issue not a machine issue.

20 Q. Mm-hmm. Are you aware of any instances in  
21 which you or a poll worker has seen this issue occur  
22 where you tap one candidate's name and then a  
23 different candidate's name lights up?

24 A. I have never seen it. I assume the poll  
25 officials have since they are in the field with the

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1 voters. And if we get those phone calls, usually  
2 that's what we determine is we will have them walk  
3 the voter back through what they did. And oftentimes  
4 it was -- like I said, something touched or whatever.  
5 It didn't flip the vote.

6 Q. Just to make sure I understand, so poll  
7 officials have called in to the Board of Elections  
8 and said, Hey, I'm having an issue with a voter and a  
9 machine where ballot flipping is occurring?

10 A. No. They don't use the word "ballot  
11 flipping" because that's not what it is.

12 Q. Sorry, sorry. My words.

13 A. Something is different with the machine and  
14 we can't tell if it's the voter or the machine. And  
15 what we usually find out is it's the voter and not  
16 the machine.

17 Q. Got it. Thank you.

18 A. Just make sure you get that correct.

19 Q. I appreciate that.

20 So have there been at least some instances  
21 where the issue was not the voter?

22 A. Not to my knowledge.

23 Q. Could we please turn to the third page of  
24 Plaintiff's Exhibit 4?

25 A. Cassandra Smith.



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1           Q.   What is the nature of Cassandra Smith's  
2   complaint?

3           A.   Hers is similar to the first one, that she  
4   was on her voting summary screen and the card popped  
5   out before she intended for it to.

6           Q.   So this is the same problem where the voter  
7   is saying that --

8           A.   It is.

9           Q.   The voter is saying that the vote ended up  
10   getting cast without her --

11          A.   -- touching a ballot.

12          Q.   -- initiating it?

13          A.   Yes.

14          Q.   Let's turn to the next page.

15          A.   Patrice Tillman. This is where she said  
16   she's touching the Democratic candidate, but the  
17   Republican's name came up instead. And she was shown  
18   how to unselect and reselect the vote.

19               And that was like very similar to what we  
20   see all the time. And because the Democratic  
21   candidate is below the Republican candidate, when you  
22   go to touch it, if you're a female and you have a  
23   long fingernail or you don't press it in the right  
24   spot, it will pick up whichever one it reads the most  
25   of. So it would have picked up the Republican

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1 candidate.

2 Q. Got it.

3 The fat finger issue?

4 A. Yes.

5 Q. Mm-hmm. Could we turn to the next page of  
6 Plaintiff's Exhibit 4?

7 A. James Lamb. Similar issue to the first --  
8 the first one where he was on his summary screen and  
9 he says that it cast the vote. He saw the -- what's  
10 he calling it -- the sand timer, the timer thing. I  
11 can't think of what it's called.

12 MR. STEPHENS: The hourglass?

13 THE WITNESS: The hourglass. I'm sorry.

14 BY MR. POWERS:

15 Q. If you wouldn't mind taking me through --  
16 was it Mr. Lamb's --

17 A. Yes.

18 Q. -- complaint and how an hourglass would show  
19 up?

20 A. When you touch the screen, just like you do  
21 on your computer, as it's going through thinking, it  
22 has an hourglass and it just rotates. It doesn't do  
23 anything. It's just there to show you that it's  
24 thinking.

25 And so he saw the hourglass come up and

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1 thought that he still had time. But in actuality, he  
2 probably had already touched "cast ballot" at that  
3 point one way or the other, whether accidentally or  
4 on purpose.

5 Q. Do these machines, DRE machines ever freeze?

6 A. Yes.

7 Q. Under what circumstances does a DRE machine  
8 freeze?

9 A. I couldn't tell you. It's random. There's  
10 no -- there's not anything special. It's just from  
11 time to time, it's pieces of electronic equipment and  
12 it will freeze up.

13 Q. Can a DRE machine freeze while a voter is in  
14 the course of making selections?

15 A. Yes.

16 Q. What's the procedure that Gwinnett County  
17 uses in the event a DRE machine freezes while a voter  
18 is making selection?

19 A. They will turn the machine off and turn it  
20 back on because that's how the card pops out. And  
21 then they can look and see if there were any votes --  
22 you know, if the voter cast their ballot, which  
23 usually if it's frozen, it has not happened, in which  
24 case they will be issued a second card.

25 They'll work with that machine. You know,



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1 they'll do a couple of things. And if it does not  
2 come back up -- or correctly, then they close that  
3 machine down and it's not used the rest of the day.

4 Q. Got it.

5 Could it happen that a machine freezes while  
6 the voter is maybe almost finished casting the ballot  
7 and then during the restarting process the vote is  
8 actually cast and goes through?

9 A. Not to my knowledge.

10 Q. Could we please turn to the next page of  
11 Exhibit 4?

12 A. Rebecca Duncan. Same thing, machine casted  
13 my ballot while I was reviewing my ballot.

14 Q. Got it.

15 So this is the same as some of the  
16 complaints we've seen before.

17 And what about the next complaint?

18 A. Melody Jordan. And she voted -- voted no --  
19 let's see. Voted no -- she was having a problem with  
20 one of the amendment questions. She said she was  
21 voting on the issue. She was told to push summary  
22 and it closed the voting machine down which meant  
23 that it cast her ballot.

24 I have no idea if my ballot will be counted.  
25 The machine was closed down so no one else would have

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1 to experience the total disappointment.

2 Q. So does that mean that the machine was taken  
3 offline and no longer used afterwards?

4 A. Correct. And there may not have been  
5 anything wrong with it. It's just what the poll  
6 official decided to do based on this. I don't know,  
7 so...

8 Q. Great. You can turn to the next page.

9 A. Sue Nash. Same thing, it's on the summary  
10 screen and it cast her ballot.

11 Q. Can we turn to the next page?

12 A. Mm-hmm. I can't read this one. This one  
13 sounds like a bad memory card. It said -- this is  
14 from the poll official talking about a voter and said  
15 When they put the card in, it came out and said it  
16 was invalid. The count showed that the voter had not  
17 cast their ballot, so they were reissued another  
18 ballot and they voted on another machine.

19 Q. Can you help explain what happened with the  
20 memory card? Was it a Ms. Lewis -- was it then --  
21 what's the name of the poll worker?

22 A. Yes. Occasionally, you will have a memory  
23 card -- a memory card? I apologize -- a voter access  
24 card that has the little chip on it just like your  
25 credit card does. And if that gets very, very

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1 dirty -- we try to get them to wipe them off multiple  
2 times throughout the day, but there could be just  
3 something has gone bad with that card.

4 And, oftentimes, if you put that in a  
5 machine, it will come and tell you it's invalid. And  
6 so when that happens, it won't cast a ballot. So the  
7 voter has to be issued a second card. And sometimes  
8 they'll vote on the same machine and sometimes they  
9 want to go to a different machine. It's totally up  
10 to a voter.

11 Q. How does the poll worker ascertain in a  
12 situation like that, whether or not a vote was  
13 actually cast?

14 A. They have to stop voting. And they go  
15 around and take a count off of each of the machines.  
16 And then they take a count of the number list of  
17 voters off of the express poll and they match those  
18 numbers up. If they are one less or one over, then  
19 they determine the voter either did or did not cast  
20 that ballot.

21 Q. That seems like a -- strike that.

22 So if we're at a polling place where there's  
23 a lot of machines, am I getting it right, that you  
24 have to take -- or stop voting at all of the other  
25 machines and essentially count all of the ballots



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1 that have been cast at the precinct that day?

2 A. The number, yes. And they have to do that  
3 on -- hourly anyway. And so it's not like they have  
4 to start -- you know, if someone casts that -- if  
5 that happens at five o'clock in the afternoon,  
6 they're really just reconciling from their four  
7 o'clock number on, not all throughout the day.

8 Q. Got it. Got it.

9 That process -- strike that.

10 How often does that happen on a given  
11 election?

12 A. I couldn't tell you. Sometimes we know  
13 about it and sometimes we don't. So we don't know.

14 Q. Mm-hmm. What is the Gwinnett County Board  
15 of Elections' retention policy with respect to  
16 complaint intake forms?

17 A. Two years, 24 months. And there's no --  
18 that is just a county thing because we keep  
19 everything 24 months by law, so we just include that  
20 in that.

21 Q. So if there were complaint intake forms from  
22 prior elections, say the November 2016 election, that  
23 would have been disposed of 24 months after they had  
24 been received?

25 A. Correct.

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1 Q. Have you received similar complaints about  
2 DRE voting machines and elections prior to 2018?

3 A. Yes.

4 Q. What kind of investigation do you do to try  
5 to figure out what the -- what the problems were and  
6 what can be done about it?

7 A. Well, if the machine does not continue to  
8 have problems, there's nothing to investigate. We  
9 have no way of doing forensics on machines and that's  
10 not our job.

11 If another voter -- and the poll officials  
12 pay attention. If another voter has a problem with  
13 the same machine, then they'll call us and say, Hey,  
14 we've got this. And we would take that out of  
15 service. We wouldn't allow it to be used the rest of  
16 the day.

17 Q. You mentioned that the County doesn't have  
18 an ability to conduct a forensic analysis of the  
19 machines?

20 A. Correct.

21 Q. Have you had any situations where you  
22 thought a forensic analysis of a particular machine  
23 might be necessary?

24 A. No. If we take a machine out of service and  
25 we get it back, it gets a ticket put on it and it

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1 goes straight back to the vender. And they look at  
2 it. If there's anything wrong with it, they fix it,  
3 correct it, retest it.

4 It comes back. It gets tested by Ken --  
5 well, it used to be Kennesaw State, now the State.  
6 It gets recertified and then gets sent back to the  
7 County.

8 Q. Got it. And how frequently do you send  
9 machines back to the vendor?

10 A. We send them every year, but the number is  
11 relatively low. Maybe 10, if it's that many.

12 Q. Did you send roughly 10 machines back to the  
13 vendor after the 2018 election?

14 A. I don't know.

15 Q. Could would you say 10 is a relatively  
16 typical number --

17 A. Ten or less, yes.

18 Q. Who is the vendor that you're sending the  
19 machines to for maintenance?

20 A. ES&S.

21 Q. When you send a machine to ES&S, do they  
22 send you back the same machine or do they send you a  
23 new one?

24 A. It depends. Ninety-nine point nine percent  
25 of the time, it's the same machine because it's



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1 usually not a critical error. It's -- you know,  
2 sometimes the batteries just need replacing.  
3 Although it still may show 98 or 50 percent or  
4 whatever, sometimes the battery on those will just  
5 completely die. And we don't replace the batteries;  
6 they do that.

7 We try to do that on a routine basis, but,  
8 occasionally, you will have -- just like we said,  
9 with the memory card battery, you'll have a battery  
10 there that might have something wrong with it.

11 But usually we get back the same -- I only  
12 know of maybe -- maybe two or three times that  
13 they've actually replaced a machine. It's usually  
14 just something very minor that they can correct with  
15 the machine itself.

16 Q. In the two or three times that they have  
17 replaced the machine, has the vender ES&S ever told  
18 you why they replaced that?

19 A. Well, usually, that's not -- the screen died  
20 or it gets -- has like wavy lines on it. So they  
21 have to replace those -- those -- that's why I said.  
22 It's not ever anything critical. It's always  
23 something along that magnitude. There's not a  
24 disconnect in the wiring or something like that.

25 Q. You mentioned the batteries sometimes die on

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1 the DRE voting machines?

2 A. Mm-hmm, even though they are charged every  
3 three months. Yes.

4 Q. This is probably a dumb question, but who  
5 does the charging of the DRE machines?

6 A. The prep center staff which is Kelvin,  
7 Demond and Tiffany.

8 Q. Is it like there's a charging station --

9 A. No. We have what's called pigtail. So we  
10 have -- if you were to see our warehouse, all of our  
11 equipment is taking up about three-fourths of it.

12 And we have electric that comes down, pulls  
13 down from the top and so they can plug in and charge  
14 a whole group at one time. And every three months  
15 that group one will get shifted. So they're  
16 charging. They'll get shifted to the back. The next  
17 group will move up and they'll get -- and so they  
18 have a routine that they do the charging on those.

19 Q. Got it.

20 Do you have a team of county employees who  
21 are moving the machines back and forth or is it the  
22 charging outlets that are being moved?

23 A. It's the outlets at the top. They are being  
24 pulled down and being put into the machines.

25 Q. Given the -- strike that.

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1           When you receive complaints like these from  
2 voters, have you referred any to the Secretary of  
3 State's Office for their investigation?

4           A. Because it doesn't usually have anything to  
5 do with them, they don't have anything to do with the  
6 equipment at that stage. That's a problem with the  
7 piece. And so it guess to the vendor and not to the  
8 State.

9           Q. Have you spoken with elections directors  
10 from other counties or undertaken other steps to try  
11 to minimize voter complaints about their experience  
12 with casting ballots on DRE machines?

13           A. No. I don't think you can minimize it.  
14 It's a voter issue. It's not a machine issue. So  
15 it's a voter education thing.

16           So we try and -- there's -- I can't think  
17 what they're called. There's little placards in the  
18 booth. If people don't read them, then there's not  
19 anything we can do about that.

20           When the machines were first rolled out, we  
21 had a big voter education effort through the  
22 Secretary of State's Office. And beyond that,  
23 there's not anything that we've been able to  
24 determine.

25           And like I said, when you look at the number



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1 of votes cast -- I mean, in this one election we had  
2 338,125 and we've got, you know, five complaints.  
3 That doesn't minimize these five complaints by any  
4 means, but that lets me know that most everybody  
5 understands how to use the equipment. It's just a  
6 few.

7 And it may or may not have been their error,  
8 but if the machine continues, we take it out of  
9 service. We send it in. If it doesn't have any more  
10 errors throughout the day, then you assume it's a  
11 voter issue.

12 Q. Have you done any kind of voter outreach or  
13 survey to see if voter issues with the machines are  
14 more widespread than the complaints that have come in  
15 through these intake forms?

16 A. No. We -- because, you know, if the voter  
17 or the poll official will usually let us know if  
18 there's issues. And we just got an outreach team two  
19 years ago. And we just now started doing a lot of  
20 going out into -- you know, taking the machines and  
21 doing -- again, beginning to do demos and things like  
22 that.

23 And, of course, that will ramp up with  
24 whatever system the Secretary Raffensperger chooses  
25 for us hopefully in the next couple of weeks.

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1 Q. Let's talk a little bit about the mechanics  
2 by which the votes cast on DRE machines are counted.

3 Can you tell me about the process from the  
4 point after which the memory cards are taken out of  
5 the DRE machines at once polls have closed?

6 A. Mm-hmm. Once they've ran their tapes, they  
7 remove the memory card. They are placed into a  
8 sealed bag. They come into the Elections Office with  
9 some other specific supplies that they have to turn  
10 in on election night.

11 They go into another room where they were  
12 unsealed. They're counted. And then they're put in  
13 mail trays in what we call "election central." And  
14 then they're taken by precinct. And information is  
15 uploaded into the GEMS server where it is aggregated  
16 to produce the election results.

17 Q. After that, are any kinds of reports  
18 generated?

19 A. Yes. This five-page report -- five-column  
20 report -- I'm sorry. Five-column report card, it's  
21 printed out before we leave at night. We have to  
22 provide that to the Secretary of State's Office.

23 Q. You're referring now to Plaintiff's  
24 Exhibit 9?

25 A. Yes.

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1 Q. Where are these reports being generated  
2 from?

3 A. From GEMS.

4 Q. Are the reports that are generated public  
5 records?

6 A. They are.

7 Q. Are there any reports from the GEMS database  
8 that you know of that are not public records?

9 A. I couldn't answer that.

10 Q. What other reports outside of the  
11 statements -- statement of votes cast do you print  
12 from the GEMS database?

13 A. I don't know.

14 Oh, write-in report. I apologize. We do  
15 produce a write-in report.

16 Q. Thank you.

17 Earlier we talked about complaints that come  
18 from voters with respect to situations where they say  
19 the ballot was cast without them initiating it, as  
20 well as situations where they say they voted for --  
21 try to vote for one candidate but another candidate's  
22 name lights up.

23 Are you aware of having received other  
24 complaints from voters with respect to using DRE  
25 machines?



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1 A. No. In a general rule, they like them.

2 Q. Are you aware of voters ever being issued  
3 incorrect ballots when voting in person on a  
4 DRE machine?

5 A. Yes.

6 Q. Could you please tell me about that?

7 A. Most oftentimes that happens during early  
8 voting when they have every ballot style to choose  
9 from. And -- but when the voter notices it, they  
10 raise their hand and the poll official will eject  
11 that card out of the DRE without -- you know, it does  
12 not cast votes at that point and they are reissued  
13 the correct ballot style.

14 Q. Are there -- strike that.

15 Could there be circumstances in which --  
16 strike that.

17 Can anyone other than the voter ascertain  
18 whether or not he or she has been issued an incorrect  
19 ballot?

20 A. Just the poll official, but they are  
21 issued -- you have Election Net that tells the poll  
22 official what ballot style to code for that voter.  
23 And then they have an express poll that has all of  
24 that on it.

25 So, occasionally, they will -- you know,

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1 especially in a primary where you have two different  
2 sets of Democrat and Republican. That's most of the  
3 complaint. It's not necessarily the wrong ballot  
4 style; it's the wrong choice. Either they wanted  
5 Democrat and they got Republican or they wanted  
6 Republican and they got Democrat.

7 And voters notice that pretty quickly when  
8 they don't see Donald Duck's name; they see Mickey  
9 Mouse pop up there. So when that happens, like I  
10 say, we get that the card back and then we reissue  
11 them the correct card.

12 Q. How does it happen that they're given the  
13 wrong ballot?

14 A. Just like I said, they just touch the wrong  
15 thing on the express poll.

16 Q. In terms of like which party, for example --

17 A. Correct. They'll be at the right precinct  
18 and the right district combo, but they'll touch "R"  
19 instead of "D," so it puts those Republican or  
20 Democrat -- you know, whichever the case may be.

21 Q. And is that the poll worker who's hitting  
22 the wrong --

23 A. Correct, yes.

24 Q. If a voter gets "D" instead of "R" and votes  
25 in the wrong party's primary and says -- actually,

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1 strike that.

2 Let's take a hypothetical where a voter  
3 votes in the wrong party's primary and actually casts  
4 a ballot and comes back and says, I'm sorry, I voted  
5 in the wrong party's primary, can I get a new ballot,  
6 what happens next?

7 A. They can't -- once you touch "cast ballot,"  
8 you have casted your ballot.

9 Q. We touched on this a little bit before, but  
10 could you please describe the policies and procedures  
11 currently in place to make sure that each voter's  
12 ballot remains secret?

13 A. DRE? Absentee by mail? Provisional?

14 Q. Let's take DRE machines.

15 A. Okay. Well, obviously, nobody but the voter  
16 sees their ballot. So once they are given their card  
17 and they put it into the machine, it pulls up their  
18 ballot -- which it only pulls up their ballot.

19 They go through and they make their  
20 selections. They touch "cast ballot." When they do,  
21 the machine -- the machine -- they yellow card pops  
22 out. The card has nothing on it at that point; it's  
23 reused throughout that day.

24 Absentee ballots, once they are received in  
25 the office, once they are certified and good to be



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1 counted, they are actually in the prep center, which  
2 is a secured location. And then within that secured  
3 location they are kept in what's called ballot  
4 vaults.

5 Each ballot vault has its own key lock code  
6 and that code is changed between every election. And  
7 then on election night when those ballots are opened,  
8 the white envelope is sealed inside the yellow. The  
9 yellow has the voter's name. One person splits that.  
10 They take the Wite-Out ® ®. They separate it from  
11 the yellow, but then the next person splits that and  
12 takes it out. So the voter's name is two people away  
13 from knowing who that voter was.

14 The provisional ballot, the voter loses  
15 their anonymity because they're having to vote a  
16 provisional ballot. So we know that -- you know,  
17 because of research we have to do, we have to have  
18 specific information.

19 And then the same thing, they are kept  
20 secured from the time we start, you know, working on  
21 those until we run them to be certified on  
22 election -- I mean on certification day.

23 Q. Ms. Ledford, you had mentioned before that  
24 when a voter casts a ballot on a DRE machine, that it  
25 essentially could not be pulled back out under any

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1 circumstances; is that correct?

2 A. To my knowledge, it can't.

3 Q. Has the policy and procedure always been in  
4 place?

5 A. For what?

6 Q. Fair enough.

7 Has it always been the policy or procedure  
8 of the Gwinnett County Board of Elections that when a  
9 voter casts a ballot on a DRE machine during early  
10 voting, that that ballot cannot be pulled back out  
11 under any circumstances, including in cases of double  
12 voting?

13 A. To my knowledge, no, it cannot.

14 Q. Was that the case even prior to 2010?

15 A. Yes.

16 Q. Are you aware of situations in which ballots  
17 have been pulled out in other counties in situations  
18 where a voter had double voted?

19 A. No.

20 MR. POWERS: I think now would be a good  
21 time to take a brief break.

22 (Recess from 2:03 p.m. to 2:19 p.m.)

23 BY MR. POWERS:

24 Q. I wanted to ask if you're aware of there  
25 being calibration issues with respect to DRE voting

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1 machines? In particular, does it ever happen that a  
2 DRE voting machine is not calibrated correctly?

3 A. No. It's not that it's not calibrated  
4 correctly. It's calibrated correctly, but when it's  
5 delivered and all the shifting in the move,  
6 occasionally, we have had to recalibrate. But that's  
7 something that's determined pretty quickly when the  
8 poll opens.

9 The poll official opens it up and starts it.  
10 If they see something or the first voter comes up and  
11 says, Hey, this is not registering correctly, that's  
12 one of the things that they look at is the  
13 calibration.

14 Q. Can you explain to me what happens with  
15 respect to -- I guess you said machines getting moved  
16 around that causes this issue to pop up?

17 A. Yeah. When you do L&A testing, you take the  
18 machine off of a shelf and you put it on a table.

19 You do the L&A. You close the machine up.  
20 You seal it. It gets put onto a cart. Then the cart  
21 gets rolled out to the loading dock. It gets taken  
22 off the cart, put on the truck. It rides around in  
23 the truck. It gets where it goes. It's taken off  
24 the truck and moved into the polling location.

25 And so that's a lot of jostling and moving



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1 around. We have that, but we don't have it very  
2 often. I mean, we've had it, so I know it exists.

3 Q. Did this issue pop up in the November 2018  
4 election?

5 A. Not to my knowledge. I don't know.

6 Q. Did it pop up in the November 2016 election?

7 A. I would not know that unless it were a  
8 widespread issue. If it were one or two like the  
9 things we saw here, I would not know about it.

10 Q. So it's the moving of the machines on the  
11 trucks and the transportation that causes --

12 A. That's what we've been told by ES&S.

13 Q. What ends up being displayed on the machine  
14 that causes the poll worker or the voter to say, Oh,  
15 there's something in this here?

16 A. Usually, it's just when they touch it and it  
17 doesn't -- like, for instance, some of these where  
18 they don't register correctly, that could have been  
19 an issue, that it lost its calibration. That's  
20 really how that's discovered because there's not  
21 anything that you do necessarily at the poll. Like I  
22 said, it's any type of testing phase that would make  
23 that apparent.

24 Q. When you were pointing to here when giving  
25 your answer prior, were you referring to the voter

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1 complaints --

2 A. Yes.

3 Q. -- that were in -- what was Plaintiff's

4 Exhibit --

5 A. Four.

6 Q. -- 4.

7 A. Yeah.

8 Q. This issue will actually occur on election  
9 day; is that correct?

10 A. Yes.

11 Q. What's the County Board of Elections policy  
12 with respect to fixing the problem?

13 A. The prep center staff will walk the poll  
14 official through recalibrating.

15 Q. Remind me again who the prep center staff  
16 would be.

17 A. Kelvin, Shantell -- I'm sorry. Kelvin,  
18 Demond and Tiffany.

19 Q. Thank you.

20 The poll worker will then recalibrate the  
21 machine themselves?

22 A. Mm-hmm, yes.

23 Q. If the poll worker isn't able to recalibrate  
24 the machine, what happens next?

25 A. The machine closes down and it's tagged for

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1 repair.

2 Q. Has that ever happened?

3 A. I don't know for sure.

4 Q. Okay. Earlier you mentioned a retention  
5 period of 24 months?

6 A. Mm-hmm, yes.

7 Q. Does the Gwinnett County Board of Elections  
8 preserve DRE memory card data for 24 months?

9 A. I don't know.

10 Q. I think we've talked quite a bit about  
11 proofing the ballot. I want to talk briefly about  
12 proofing the GEMS database.

13 First, does the County Board of Elections  
14 proof the GEMS database?

15 A. I don't know. That would be my deputy  
16 director.

17 Q. Kristi Royston?

18 A. (Witness nods head affirmatively.)

19 Q. Is Ms. Royston the person on the Gwinnett  
20 County Board of Elections staff most knowledgeable of  
21 the GEMS database?

22 A. Actually, that would be Kelvin Williams.

23 Q. What are the responsibilities that Kelvin  
24 Williams and Kristi Royston have respectively with  
25 respect to the GEMS database?



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1 A. Well, Kristi is the deputy director, so she  
2 just fills in where she's needed. She has done some  
3 stuff in GEMS. Like I said, I'm not exactly sure how  
4 she and Kelvin have divided up their duties with  
5 that.

6 Kelvin is the elections coordinator. So  
7 anything and everything that has to do with elections  
8 falls under Kelvin. And Kelvin is the one who on  
9 election nights sits in front of the machine. And,  
10 you know, he has a group of folks and they get to  
11 upload from the memory card from the polls into the  
12 unit. He is one that does all the reporting at the  
13 end and anything to do with the GEMS server really is  
14 under Kelvin.

15 Q. What are Kristi Royston's primary  
16 responsibilities?

17 A. In regard to GEMS?

18 Q. Generally speaking.

19 A. Like I said, she's the elections director.  
20 So she assists me with making sure everything falls  
21 into place and that we meet deadlines and statutory  
22 requirements. She just helps me oversee the process,  
23 all voter registration election processes.

24 MR. POWERS: Thank you.

25 I would like to turn to Plaintiff's

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1 Exhibit 7 and kind of go through -- sorry, a  
2 couple of different pages here. If we could  
3 turn first to the bulletin on July 26, 2018,  
4 and if you could please take a second to  
5 read it.

6 (Witness reviews document.)

7 BY MR. POWERS:

8 Q. Again, we're talking about Plaintiff's  
9 Exhibit 7.

10 Could you briefly describe the July 26, 2018  
11 bulletin?

12 A. The Secretary of State's Office was letting  
13 the counties know that there was some suspected  
14 Russian activity into the websites in Georgia, Iowa  
15 and Florida.

16 Q. Did you receive this bulletin?

17 A. Yes.

18 Q. What action did you take in response to  
19 receiving the July 26, 2018 bulletin?

20 A. We requested the onsite security assessment  
21 from DHA.

22 Q. Did that onsite DHA assessment take place?

23 A. It did.

24 Q. Roughly when was that?

25 A. I don't remember. It was several months

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1 after this.

2 Q. What was the outcome of that?

3 A. We have not gotten our report -- oh --

4 MR. TYSON: That's okay.

5 BY MR. POWERS:

6 Q. Have you taken any other actions beyond  
7 requesting the DHA assessment?

8 A. A security system was added to our front --  
9 to our office. I won't say the front, the whole  
10 office.

11 A camera system -- we're getting ready to do  
12 a remodel and they are getting ready to include a  
13 camera system as well as far as physical security.  
14 And that was just in conversation with the DHA; that  
15 was the first thing that he said.

16 Q. What is the purpose of the security camera  
17 in the front office?

18 A. To be sure and watch all of the activities,  
19 including anything that's going on in the prep  
20 center; to make sure we don't have people coming in  
21 from outside who aren't county employees or  
22 authorized to be back there is some way, shape or  
23 form.

24 And then what we call election central,  
25 which is where the GEMS server is held currently, it



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1 is behind a double locked door. Only full-time  
2 employees have access to that and we will continue  
3 that. But the monitors will also be watching down  
4 that hallway to watch that door to see who's coming  
5 and going in and out of that room.

6 Q. Got it.

7 Did the Gwinnett County Board of Elections  
8 take any other actions after receiving the July 26,  
9 2018 bulletin?

10 A. No.

11 Q. Now, I'd like to ask you to turn to an  
12 October 2nd, 2018 unclassified document from the  
13 Department of Homeland Security.

14 A. Mm-hmm.

15 Q. And, in particular, if you wouldn't mind  
16 reading the -- well, first let me go back.

17 What's the title of the unclassified  
18 document from the Department of Homeland Security?

19 A. A Georgia Perspective on Threats to the 2018  
20 U.S. Elections.

21 Q. What is the -- strike that.

22 Did you receive this unclassified document  
23 from the Department of Homeland Security?

24 A. No. This came from the Secretary of State's  
25 Office.

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1 Q. Fair enough. Let me ask a better question.  
2 Did the Georgia Secretary of State send this  
3 document to you?

4 A. I believe so.  
5 (Witness perusing document.)

6 MR. POWERS: Take your time.

7 THE WITNESS: Yeah, I think it was  
8 attached to an OEB. Yeah, it was -- yes, it  
9 was an attachment to an OEB, to an official  
10 election bulletin.

11 BY MR. POWERS:

12 Q. I should probably go back.  
13 How do you receive official election  
14 bulletins from the Georgia Secretary of State?

15 A. Through E-mail.

16 Q. Which official election bulletin from the  
17 Georgia Secretary of State was this unclassified  
18 Department of Homeland Security document attached to?

19 A. I don't know. I thought I printed them in  
20 the order that they were on there. So this was --  
21 that one's August.

22 I don't know. It would have been just an --  
23 it would have been, like I said, something like this  
24 kind of explaining to us what it was and then it  
25 would have had attachments. And so I just printed

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1 the attachments.

2 Q. Got it.

3 If we could go back to the page that we  
4 labeled, A Georgia Perspective.

5 A. Mm-hmm.

6 Q. What does the Department of Homeland  
7 Security document say in general terms?

8 A. That they are worried about potential  
9 influence into the voter registration and/or election  
10 system for the state of Georgia.

11 Q. What's the date on the document?

12 A. October 2nd, 2018.

13 Q. Are there any specific threats listed in the  
14 document?

15 A. Yes.

16 Q. Could you please read them off?

17 A. All of them?

18 Q. Yes, please.

19 A. All right. Unauthorized entry to the  
20 polling places or long-term storage facilities and  
21 voting facilities used to store election and voting  
22 system infrastructure.

23 Incident of spear phishing or attempts to  
24 hack voter registration systems, such as Department  
25 of Motor Vehicles or other organizations used to



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1 register voters.

2 Attempts to access information technology,  
3 IT infrastructure used to manage elections, display  
4 results or for counting or certifying results.

5 Hacking or spear phishing attempts against  
6 the E-mails or social media accounts of election  
7 officials, staff or volunteers.

8 Hacking attempts of political party  
9 headquarters or candidates' IT systems or websites.

10 Attempts to hack, alter or disrupt  
11 infrastructure used to process absentee ballots or  
12 attempts to interfere with votes send through the  
13 U.S. postal service.

14 Compromise of any networks or system by  
15 cyber actors, including tactics, techniques and  
16 procedures along with the impact observed on election  
17 related systems.

18 Any unexplained disruptions at polling  
19 places or training locations which block or limit  
20 voter turnout. This may include social media  
21 messages or robocalls falsely reporting changed or  
22 closed polling locations or physical incidents at  
23 polling location, including distribution of false  
24 information.

25 Disinformation efforts to shut down

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1 government websites to foment social unrest and  
2 reduce voter turnout.

3 Impacts to critical infrastructure that  
4 limit access to polling stations such as power  
5 outages, Internet, telephone, cellular and  
6 transportation, traffic control outages.

7 Q. Thank you.

8 Are you aware of any of these potential  
9 threats occurring in Gwinnett County?

10 A. No.

11 Q. Elsewhere in Georgia?

12 A. I couldn't speculate. I don't know.

13 (Plaintiff's Exhibit 11 was marked for  
14 identification.)

15 BY MR. POWERS:

16 Q. I'm handing you what I've marked for  
17 identification as Plaintiff's Exhibit 11.

18 Ms. Ledford, what is Plaintiff's Exhibit 11?

19 A. You tell me. Something from the -- Brian  
20 Newby from the EAC about information provided to the  
21 EAC by the FBI -- from the FBI, a document that  
22 provides some information about IP addresses that  
23 recommend election officials scan their systems to  
24 ensure these IP addresses are not --

25 (Reporter requests that witness slow

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1 down.)

2 THE WITNESS: For election officials to  
3 scan their systems to ensure these IP  
4 addresses are not accessing election  
5 systems.

6 BY MR. POWERS:

7 Q. Is there an attachment to -- strike that.

8 In Plaintiff's Exhibit 11, it starts with an  
9 E-mail sent on August 23rd, 2016; correct?

10 A. Yes.

11 Q. There's an attachment to that E-mail called  
12 BOE flash August 2016 final dot PDF.

13 MR. TYSON: Object just on foundation.  
14 I don't think we've established she knows  
15 what this E-mail is or that this was the  
16 attachment. I understand it's all put  
17 together as one, but maybe you want to  
18 establish that she's seen or knows what this  
19 is.

20 BY MR. POWERS:

21 Q. Let's turn to the third page. And this is  
22 labeled FBI flash.

23 Have you seen this document before?

24 A. I don't remember.

25 Q. It is possible that you've received this



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1 document?

2 A. It could be.

3 Q. Have you received documents like these in  
4 the past?

5 A. Not that say "FBI flash." Not to my  
6 knowledge.

7 Q. What kinds of documents have you received?

8 A. The ones like we just saw in Exhibit 7.

9 Q. The document from the Department of Homeland  
10 Security?

11 A. Correct.

12 Q. Are there instructions that you received  
13 from the Secretary of State with respect to promoting  
14 election security in and around the 2018 election?

15 A. I don't remember.

16 Q. Aside from the security assessment and  
17 installing the camera in the Board of Elections, are  
18 there any steps that the Gwinnett County Board of  
19 Elections took to further promote the security of the  
20 2018 elections?

21 A. Not to my knowledge.

22 Q. Are you aware of any attempted intrusions  
23 into the Gwinnett County Board of Elections' website  
24 or electoral infrastructure?

25 A. No.

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1 Q. I'd like to switch gears and talk to you a  
2 little about Plaintiff's Exhibit 6.

3 In particular, who sent Plaintiff's Exhibit  
4 6 to you?

5 A. I don't remember. It would have been either  
6 for -- oh, Center for Elections Systems so Kennesaw  
7 State University.

8 Q. Do you know when this was sent to you?

9 A. No. I don't remember.

10 Q. What did you do with Plaintiff's Exhibit 6  
11 after you received it?

12 A. Gave it to Kelvin Williams or Kristi  
13 Royston.

14 Q. Do you know what follow-up actions they  
15 took?

16 A. Whatever it says to do in here.

17 Q. What is that?

18 A. It's how to export the election results from  
19 the GEMS server to the state election night reporting  
20 system.

21 Q. Thank you. If I could have it back for a  
22 second.

23 If I could ask you to turn to the  
24 introduction page on the PowerPoint slide in  
25 Plaintiff's Exhibit 6. If you could just read off

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1 what that page says.

2 A. The SOS office has created a secure system  
3 to facilitate the transition of files needed for the  
4 election equipment. County election officials will  
5 now receive their election files by remotely  
6 accessing and SOS server and downloading their files  
7 from this server to their local computer.

8 Your liaison will assist you in downloading  
9 the required software and establishing the connection  
10 to the SOS server. The following slides are an  
11 overview of the file transfer process once the  
12 initial setup has taken place. Please contact us if  
13 you have any questions regarding the transferring of  
14 files processed.

15 Q. Is this something that Kristi and Kelvin  
16 would have worked with the Secretary of State's  
17 Office?

18 A. Correct.

19 Q. Do you know who the liaison is with the  
20 Georgia Secretary of State's Office?

21 A. It's changed several times over the last  
22 couple of years. Since I don't know when we got  
23 this, I don't know who it would have been at the time  
24 and they may not even still be there.

25 Q. And I might have misspoken. Would it have



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1 been a liaison with the Center of Elections Systems  
2 at that time?

3 A. No. It would have been with the Secretary  
4 of State's Office.

5 Q. Okay. What files would that introduction in  
6 the PowerPoint slide have been referring to?

7 A. The election results.

8 Q. Would it have been referring to the bulk  
9 update?

10 A. No. This is the election results for  
11 election night.

12 Q. Okay. Got it.

13 Where do the election results come from on  
14 the county's side?

15 A. The GEMS server.

16 Q. Ms. Ledford, can you explain to me what an  
17 undervote is?

18 A. Yes. It's when someone chooses not to vote  
19 in a particular race. If you have "vote for two" and  
20 you don't vote for anyone, that's considered an  
21 undervote. I personally don't consider that an  
22 undervote, but that's the legal definition of what an  
23 undervote is.

24 Q. Thank you. Is it true that there is some  
25 amount of undervote in down-ballot contests in

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1 statewide elections?

2 A. You see it more significantly in down-ballot  
3 races, but it starts from the top.

4 I'm personally one of those people if I  
5 don't like you, I'm not going to vote for you. I'm  
6 not going to vote for the other person, but I'm not  
7 going to vote for you either.

8 That's why I say the legal definition is  
9 yes, but you actually see that. We see that even in  
10 presidential elections years. People will skip the  
11 presidential race and vote on everything else.

12 But as a general rule, most voters start out  
13 voting everything at the top. By the time they get  
14 to about middle ways to the ballot, you start getting  
15 to the local candidates. You start getting to  
16 constitutional amendments and statewide referendums.  
17 You tend to see a lot of drop off.

18 Q. Is there a general pattern in terms of the  
19 undervote rates?

20 A. Not that I've ever seen.

21 Q. Are you aware that there was an undervote in  
22 the November 2018 lieutenant governor's race?

23 A. Yes.

24 Q. Are you aware that the undervote in the  
25 November 2018 lieutenant governor's race was much

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1 larger than had been the case in similar past Georgia  
2 elections?

3 MR. TYSON: Lacks foundation. Assumes  
4 facts not in evidence.

5 You can answer if you know it.

6 THE WITNESS: What was the question  
7 again?

8 BY MR. POWERS:

9 Q. Are you aware that the undervote in the  
10 November 2018 lieutenant governor's election was much  
11 larger than had been the case in similar past  
12 elections?

13 MR. TYSON: Same objection, but you can  
14 answer if you know.

15 THE WITNESS: I've never analyzed the  
16 pattern, so I couldn't answer that.

17 BY MR. POWERS:

18 Q. Are you aware of any instances in the past  
19 where the undervote for the lieutenant governor's  
20 election was much higher than in other statewide  
21 down-ballot elections?

22 MR. TYSON: I'll object. I think we're  
23 assuming facts that she hasn't testified to  
24 yet. So maybe if we can add some foundation  
25 on that point, that might be helpful.



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1 MR. POWERS: Yeah.

2 BY MR. POWERS:

3 Q. We can pull out Plaintiff's Exhibit 10.

4 Take your time.

5 A. It's at the bottom of the stack evidently.

6 I don't have 10.

7 I have that in 9 -- oh, sorry, it was a

8 single --

9 BY MR. POWERS:

10 Q. Oh, sorry. I meant Plaintiff's Exhibit 9.

11 A. It's this one?

12 Q. Yes. Previously I asked you to describe the  
13 number of votes cast and the lieutenant governor's  
14 race by each candidate; correct?

15 A. Yes.

16 Q. As well as the governor's race; correct?

17 A. Yes.

18 Q. As well as other down-ballot races; correct?

19 A. Correct.

20 Q. Has anyone associated with the Gwinnett  
21 County Board of Elections ever discussed the  
22 undervote in the November 2018 lieutenant governor's  
23 race with you?

24 A. Yes.

25 Q. Who is that?

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1 A. Steve Day.

2 Q. What did you-all discuss about the undervote  
3 in the lieutenant governor's election 2018?

4 A. I don't remember the exact conversation. I  
5 just know that, you know, after the election, he --  
6 about two weeks later, he phoned me and said he had  
7 noticed that and was asking me questions and I  
8 couldn't answer his questions. And then I don't  
9 think we talked about it anymore after that.

10 Q. What sorts of questions did he ask you?

11 A. I don't remember. I really don't. I've  
12 slept since then.

13 Q. Did you or anyone associated with the  
14 Gwinnett County Board of Elections conduct any kind  
15 of analysis of the undervote in the lieutenant  
16 governor's race?

17 A. Not to my knowledge.

18 Q. Have you ever considered doing any such  
19 analysis yourself?

20 A. No.

21 Q. Do you know if anyone ever looked at the DRE  
22 voting machines or any other aspect of the election  
23 apparatus to look for any potential explanation for  
24 the undervote in the 2018 lieutenant governor's race?

25 A. Not to my knowledge.

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1 Q. Are you aware of the elections.kennesaw.EDU  
2 server being accessed by Logan Lamb and other  
3 individuals.

4 MR. TYSON: I'll object. Facts  
5 not in -- lack of foundation.

6 I'm sorry. You're asking if she knows  
7 about it, so that's all right. I'll  
8 withdraw the objection sorry.

9 THE WITNESS: Yes.

10 BY MR. POWERS:

11 Q. Did that cause you to change any of your  
12 procedures in Gwinnett County with respect to  
13 maintaining electoral data?

14 A. No.

15 Q. Didn't hearing about the Logan Lamb probing  
16 cause you to change any other policies or procedures  
17 you had been employing?

18 A. No.

19 Q. Are you aware of any security measures ever  
20 having been taken in Gwinnett County to try to search  
21 for malware or other signs of electronic intrusion  
22 into Gwinnett County election data?

23 A. No, but I wouldn't be the one to answer that  
24 question.

25 Q. Who would?



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1 A. IT.

2 Q. Who's the head IT person at the Gwinnett  
3 County Elections Office?

4 MR. STEPHENS: If you know.

5 THE WITNESS: Yeah. Abe -- Abe Kani.

6 BY MR. POWERS:

7 Q. Have you done anything yourself to try to  
8 find out whether there's been any kind of intrusion  
9 into the Gwinnett County elections website or  
10 electoral infrastructure.

11 A. No.

12 Q. Do you have any concerns about the  
13 vulnerability of the existing DRE voting system to  
14 intrusion?

15 A. No.

16 Q. Why not?

17 A. Well, like I told you before, I'm not a  
18 techie. And for somebody to have -- to me, for  
19 someone to have intrusion in that system, they would  
20 have to actually go in, open up the machine and do  
21 something to it because as we've said -- and I've  
22 heard said many, many -- nothing that we have from  
23 the GEMS database to that DRE unit is connected to  
24 the Internet. From that unit going back to our  
25 office, there's nothing connected to the Internet.

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1 So I don't know how somebody would get into  
2 that system to create havoc or chaos or whatever you  
3 want to call it.

4 And I also say that, you know, based on our  
5 history with it, we've had many elections, we've had  
6 many recounts, everything has always come out  
7 correctly. And with the fewer voter complaints that  
8 we got, I think if there was something going on, we  
9 would hear more about it from the voters.

10 Q. Any other reasons?

11 A. No.

12 Q. Can election results on the existing DRE  
13 voting system be audited?

14 A. Say that again. I apologize.

15 MR. POWERS: Court reporter, can you  
16 please read the question?

17 (Whereupon, the record was read by the  
18 reporter as requested.)

19 THE WITNESS: I do not know.

20 BY MR. POWERS:

21 Q. Are you aware of there ever being any audits  
22 of DRE voting systems in Gwinnett County?

23 A. The only thing I know about that is that  
24 Kennesaw State routinely comes out and does things  
25 with the equipment. And by doing that, they're

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1 looking at the individual machines.

2 They will run some type of -- I think it's  
3 called a hash program on the GEMS server to be sure  
4 that there's nothing there.

5 So beyond that, I don't know -- nobody ever  
6 touches our equipment outside of our staff and the  
7 state.

8 Q. When was the last time that the hash  
9 procedure was done in Gwinnett County?

10 A. I don't remember. It's been within the last  
11 couple of years.

12 Q. Does the current DRE voting system in  
13 Gwinnett County have an auditable paper trail?

14 A. You're talking about VVPAT, like voter  
15 verified paper trail?

16 Q. I'm talking about -- fair enough. I'll ask  
17 you a better question.

18 When a voter casts a ballot on a current DRE  
19 voting machine, does the DRE machine create a paper  
20 receipt?

21 A. Not for the individual voter, no.

22 Q. Have you received any instructions, advice  
23 or guidance from the Secretary of State with respect  
24 to improving the existing DRE voting system in the  
25 past year?



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1 A. Improving the DRE voting system?

2 MR. POWERS: Would the court reporter  
3 please repeat the question.

4 (Whereupon, the record was read by the  
5 reporter as requested.)

6 MR. POWERS: Thank you. I'm sorry. I  
7 missed a word. I'll ask the question again.

8 BY MR. POWERS:

9 Q. Have you received any instructions,  
10 guidance, advise, anything like that, from the  
11 Secretary of State with respect to security  
12 improvements or enhancements with respect to the DRE  
13 voting machines in the past year?

14 A. In conference, yes. It was discussed just  
15 making sure that everyone was on the same page and  
16 that everyone knew there was State Election Board  
17 rules and regulation and code that talked about  
18 security and who should have access and how you  
19 should track your access and things like that.

20 So, yes, encouragement from the Secretary of  
21 State to make sure those things are happening.

22 Q. Let's talk about that encouragement.

23 What -- you mentioned a conference?

24 A. Mm-hmm.

25 Q. What conference was this discussed at?

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1 A. It would have been either GEOA or VRAG, the  
2 two conferences we talked about earlier. It would  
3 have been during one of those.

4 Q. I know I mentioned them earlier or we  
5 discussed them earlier, but can you unpack those  
6 acronyms for --

7 A. Yeah. VRAG is the Voter Registrar's  
8 Association of Georgia and GEOA is the Georgia  
9 Election Officials Association.

10 Q. Thank you.

11 And, roughly, when did this conference take  
12 place?

13 A. We have them twice a year, every other year.  
14 Sometimes we have one a year and then the next year  
15 we'll have two and the next year we won't have any.  
16 So it depends on the presidential election cycle. We  
17 try not to have them when we have other things going  
18 on.

19 So I really couldn't -- I know it was  
20 discussed. I don't remember which of the conferences  
21 or when it took place.

22 Q. That's fair. You think that happened  
23 sometime in 2018; is that correct?

24 A. Well, we didn't have a conference in 2018,  
25 so it probably would have been in '17.

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1 Q. Aside from the 2017 conference, have there  
2 been any other DRE voting machine security  
3 enhancements or improvements?

4 A. Just what you saw -- what we have already  
5 submitted.

6 Q. That was Plaintiff's Exhibit 6, the --

7 A. Yes.

8 Q. Okay. Are you aware of any plans to improve  
9 the security of the DRE voting machine system in the  
10 future?

11 A. I wouldn't know.

12 Q. Earlier when we talked about delivering the  
13 voting machines to the polling place and I think you  
14 had mentioned that there were 11 trucks that the  
15 Gwinnett County Board of Elections has the DRE units  
16 delivered on; is that correct?

17 A. Yes.

18 Q. Are those county trucks?

19 A. No. They're rental trucks.

20 Q. Is it county employees who are taking the  
21 voting machines to the various polling places?

22 A. It is.

23 Q. What's the security protocol for the truck  
24 delivery of the voting machines?

25 A. Meaning?



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1 Q. What steps are taken to ensure that the  
2 voting machines aren't tampered with in some way  
3 during the transportation process from the county  
4 board to the polling place?

5 A. They are loaded up in the truck and locked.  
6 And the truck's unlocked when they get to a location.  
7 They unload them and they lock it back up and go to  
8 the next stop.

9 Q. You said that it was like 18 -- I'm about to  
10 totally make up a number.

11 It was a lot of DRE voting machines; right?  
12 How many was it?

13 A. We have 1800, but we don't usually deploy  
14 all 1800. It can be anywhere from 700 to 1200. It  
15 just de -- or more. It just depends on, you know,  
16 the election. For instance, the presidential  
17 election is going to garner more voting equipment  
18 than the special election we had in March.

19 Q. Mm-hmm. Right.

20 Does the county hire temporary workers to  
21 transport all of these machines?

22 A. No. It's county employees.

23 Q. How long does it take to deliver all of  
24 these machines to the various polling places?

25 A. Three to four days.

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1 MR. POWERS: I think now would be a good  
2 time for a brief break.

3 (Recess from 3:07 p.m. to 3:26 p.m.)

4 BY MR. POWERS:

5 Q. Ms. Ledford, has the Secretary of State  
6 decided which ballot marking devices are going to be  
7 used in future elections in Georgia?

8 A. We have not been notified.

9 Q. Do you know when you will be notified?

10 A. No.

11 Q. Is Gwinnett County participating in a pilot  
12 program for the new balloting devices for the  
13 November 2019 election?

14 A. Not to my knowledge.

15 Q. Has Gwinnett County put in an order for new  
16 ballot marking devices in 2019?

17 A. No because we don't know what we're getting  
18 yet.

19 Q. Is it -- has Gwinnett County put in an order  
20 for any new ballot marking devices?

21 A. No because we don't know what we're getting.

22 Q. When Gwinnett County eventually does --  
23 strike that.

24 Is Gwinnett County conducting any county  
25 election in November of 2019?

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1 A. No.

2 Q. First, let's talk about cost.

3 When Gwinnett County does eventually order  
4 new ballot marking devices, is the county going to  
5 have to pay some of the cost for the new devices?

6 A. Well, we have a potential distribution list  
7 from the Secretary of State's office. So, you know,  
8 those are just estimates. I think at this point I  
9 don't think that's solid.

10 So once the system is chosen and we receive  
11 the information about the numbers that we will be  
12 getting, then we will sit down and analyze it,  
13 determine if we feel like we need to order ballot  
14 marking devices, poll -- you know, just whatever the  
15 components are going to be.

16 So once we get that decision and we know  
17 what those rollout numbers are, then that's something  
18 that we'll sit down and look at.

19 Q. So at this point it's too early to say, for  
20 example, whether or not Gwinnett County is going to  
21 have to pay for any kind of warranty licensing or  
22 maintenance fees?

23 A. Correct.

24 Q. Is it currently in Gwinnett County's plan to  
25 use the new ballot marking devices for the March 2020



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1 presidential primary election?

2 A. If we have them by then.

3 MR. TYSON: Off.

4 MR. POWERS: Let's go off the record.

5 (Discussion ensued off the record.)

6 BY MR. POWERS:

7 Q. Presuming that the March 24th, presidential  
8 primary election date holds, when will the Gwinnett  
9 County Board of Elections need to receive the new  
10 BMDs and all of the equipment to get them tested and  
11 programmed and ready to use for the election?

12 A. I can't really say because I don't know --  
13 you know, without knowing the type and how much we're  
14 getting and what things are going to happen before we  
15 ever get them from the Secretary of State's Office, I  
16 really don't know.

17 But I can go back to what I was saying  
18 earlier that we have to start voting 40 to 45 days  
19 prior to the election. So we have to have something  
20 in place by then.

21 Again, we're not privy to the rollout  
22 information as to who is going to get in phases or  
23 how that's going to work. We don't have that  
24 information, so we just don't know.

25 Q. You'd have to also train election staff on

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1 how to use the new BMDs; correct?

2 A. Correct.

3 Q. Poll workers would need to be trained on how  
4 to use the new BMDs; correct?

5 A. Correct.

6 Q. Would any kind of public education efforts  
7 be made to educate voters on how to use the new  
8 machines?

9 A. Yes.

10 Q. All of that would take some time; correct?

11 A. Yes.

12 Q. But it sounds like you don't know how much  
13 time the board of election needs for training and  
14 public education?

15 A. Huh-uh. We know it's going to be a long  
16 time, but I couldn't say exactly how much.

17 Q. Are you spending any time now to plan for  
18 implementation of the new BMDs?

19 A. We can't do that until we know when we're  
20 going to get them and we don't know that information  
21 yet.

22 Q. So, essentially, you can't do any planning  
23 at this point?

24 A. Correct.

25 Q. I'd like to turn briefly back to the

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1 November 2018 election.

2 Did you or other Gwinnett County Board of  
3 Elections staff receive complaints about long lines  
4 at in-person voting sites?

5 A. Are you talking about election date or  
6 advance voting?

7 Q. In November 2018. Let's start with election  
8 day voting.

9 A. Yes because we had a problem at two of our  
10 polling locations.

11 Q. What polling locations were those?

12 A. I don't remember. Annistown Elementary  
13 which is precinct 2. I don't remember what the other  
14 one was. It was in the Snellville area as well.

15 Q. Good memory.

16 What were the issues that happened in the  
17 November 2018 -- at those two sites?

18 A. I think ultimately we determined that there  
19 was some bad memory cards -- not memory cards --  
20 voter access cards. We don't know how those got in  
21 the stock or if it all happened -- we don't know how  
22 that happened, but we did have two precincts that had  
23 bad memory cards.

24 We didn't realize it was that. We thought  
25 it was something with the express poll units, so we



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1 did testing, did just a few diagnostic things on that  
2 and turned out not to be what it was.

3 And then we determined that it was the voter  
4 access card. Once we got more voter access cards out  
5 there to them, then they were able to start voting.  
6 And it was still pretty much behind most of the day.

7 Voting never stopped. There were people  
8 casting provisional ballots at those polling  
9 locations or had the option. Some people chose not  
10 to. Some people chose to come back. Some people  
11 chose to go ahead and do it while they were there.

12 Q. At both of these polling sites -- strike  
13 that.

14 So this voter access card problem was  
15 essentially the same issue at both Annistown and the  
16 Snellville polling place?

17 A. Yes.

18 Q. What does it mean if there's a bad memory  
19 card?

20 A. It's not the memory card. It's voter access  
21 card. It won't accept -- when you put it into the  
22 express poll unit, it won't accept the ballot. It  
23 won't accept the ballot program onto that. So when  
24 you try to put it into a DRE, it just pops out and  
25 tells you it's an invalid card. It won't allow -- it

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1 won't bring up a ballot to allow a voter to vote.

2 Q. Did that voter access card problem result in  
3 all of the voting machines at both the Annistown and  
4 Snellville polling places being inoperable for a  
5 certain period of time?

6 A. Yes.

7 Q. Do you know roughly how long that was?

8 A. About an hour and-a-half to two hours, I  
9 think at the longest.

10 Q. During that hour-and-a-half to two-hour  
11 period, voters had the option of casting a  
12 provisional ballot or waiting in line for the DRE  
13 voting machines to be fixed?

14 A. Correct. Well, it wasn't the DRE machines.  
15 It was the voter access card. The machines were  
16 good. It was the voter access card that would not  
17 program to let the machines do their job, yes.

18 Q. To further refine it, they weren't fixing  
19 the voter access cards. They were bringing new voter  
20 access cards to replace the faulty ones?

21 A. Correct.

22 Q. Great. Thank you.

23 During that period, did long lines develop  
24 at both the Annistown and Snellville polling places?

25 A. They did.

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1 Q. Did you -- strike that.

2 What was the County Board's response, if  
3 any, beyond sending the new voter access cards to the  
4 existing polling places?

5 A. There wasn't. We just changed them out;  
6 made sure they had good cards.

7 Q. Were voters -- strike that.

8 Did the County Board receive calls from  
9 voters?

10 A. We did. Yes.

11 Q. What did the -- strike that.

12 Were the voters -- some of them upset?

13 A. Yes. Some them were upset. Some of them  
14 were not, just wanted to understand why there was a  
15 line. Once we explained it to them, some of them  
16 were okay. Some of them were still angry. Some  
17 people don't trust a paper ballot, so they didn't  
18 want to vote on a provisional ballot. So they chose  
19 to wait or to come back later in the day.

20 And that particular poll was also kept open  
21 two hours by a judge for later in the day, so they  
22 didn't actually close until nine o'clock.

23 Q. You're talking about the Annistown polling  
24 place?

25 A. Yes.



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1 Q. Was the Snellville polling place kept open  
2 late?

3 A. It was, but it wasn't as long. I believe it  
4 was only about 45 minutes maybe.

5 Q. And you had mentioned that some voters said  
6 that they were going to leave the polling place and  
7 come back later?

8 A. Yes.

9 Q. Do you know if all of those voters ended  
10 upcoming back to the polling place?

11 A. No. We do not because we didn't get their  
12 names and we didn't track the information.

13 Q. Why were the voters who were waiting in the  
14 lines at the Annistown and Snellville polling places  
15 given the option of casting a provisional ballot?

16 A. Because that's what the State Election Board  
17 rules say. If your equipment is inoperable, you have  
18 that paper ballot as a backup.

19 And so we offered it. Some people took it.  
20 Some people didn't. It just -- depending on what  
21 their schedule was for the day.

22 (Plaintiff's Exhibit 12 was marked for  
23 identification.)

24 MR. POWERS: I'm handing you what I've  
25 marked for identification as Plaintiff's

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1 Exhibit 12.

2 (Witness reviewing document.)

3 MR. POWERS: Tell me when you've had a  
4 chance do look at it.

5 (Witness continues to review document.)

6 BY MR. POWERS:

7 Q. Have you had a chance to take a look?

8 A. Yes.

9 Q. First, what is Plaintiff's Exhibit 12?

10 A. It is a declaration under penalty of perjury  
11 pursuant to 28 U.S.C. Code 1746 for Derrick Oatis.

12 Q. And have you seen this document before?

13 A. No.

14 Q. On the third page, very top of the third  
15 page, Mr. Oatis says that after being redirected, he  
16 went to his polling place at the Suwanee public  
17 library.

18 Are you aware of their being any issues in  
19 the November 2018 election at the Suwanee public  
20 library?

21 A. No.

22 Q. You don't recall receiving any complaints  
23 from voters who were trying to cast ballots at the  
24 Suwanee public library?

25 A. No.

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1 (Plaintiff's Exhibit 13 was marked for  
2 identification.)

3 BY MR. POWERS:

4 Q. I'm handing you what I've marked for  
5 identification as Plaintiff's Exhibit 13.

6 What is Plaintiff's Exhibit 13?

7 A. It is a declaration by Jeffrey Marion.  
8 Declaration under personality of perjury pursuant to  
9 28 U.S.C. Code Section 1746.

10 Q. Have you seen Plaintiff's Exhibit 13 before?

11 A. No.

12 Q. The voter's name here is Jeffrey Marion.  
13 Do you see that?

14 A. Yes.

15 Q. It says his polling place is the Annistown  
16 Elementary School?

17 A. Mm-hmm, yes.

18 Q. That's the -- one of the two polling places  
19 that you were referring to in your prior testimony?

20 A. Correct.

21 (Plaintiff's Exhibit 14 was marked for  
22 identification.)

23 BY MR. POWERS:

24 Q. I'm handing you what I'm marking for  
25 identification as Plaintiff's Exhibit 14.



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1 What is Plaintiff's Exhibit 14?

2 A. It's a statement by Velma Lambert.

3 Declaration under penalty of perjury pursuant to 28  
4 U.S.C. Code Section 1746 and/or a sworn statement in  
5 accordance with Georgia law.

6 Q. Do you see that the declarant's name is  
7 Velma Lambert?

8 A. Yes.

9 Q. She says she voted at the Evangel Community  
10 Church in Snellville, Georgia?

11 A. Mm-hmm.

12 Q. Is the Evangel Community Church the other  
13 polling place in Snellville that you were referring  
14 to in your testimony a little while ago?

15 A. I don't remember. I remember it was the  
16 Snellville area, but I don't remember which location  
17 it was.

18 Q. Is it possible that the Evangel Community  
19 Church is one of the two polling places that you're  
20 recalling?

21 A. Like we have a lot of polling places in  
22 Snellville, so I really don't know. My assumption  
23 would be yes since it was another long line one.

24 Q. Do you recall receiving any complaints  
25 specifically about the Evangel Community Church?

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1 A. I don't.

2 (Plaintiff's Exhibit 15 was marked for  
3 identification.)

4 BY MR. POWERS:

5 Q. I'm handing you what I'm marking for  
6 identification as Plaintiff's Exhibit 15.

7 What is Plaintiff's Exhibit 15?

8 A. The elections result report tape from  
9 precinct 60 for the November 6, 2018 election.

10 Q. And I know we touched on this briefly  
11 before, but could you remind me what the election  
12 result tape is and how it's generated?

13 A. At the end of the day after the last voter  
14 has voted, this is the report that prints out of each  
15 DRE unit from each polling location.

16 Q. What is the purpose of the election result  
17 report tape?

18 A. To report the results from that unit.

19 Q. Is there a time stamp associated with these  
20 reports?

21 A. A time stamp?

22 Q. On the election -- sorry. I'll ask the  
23 question again.

24 Is there a time stamp on the election result  
25 report tape that's generated at the same time the

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1 report is being generated?

2 A. It looks like it.

3 Q. Is that time stamp made on every single  
4 election result report tape that's generated by the  
5 DRE machines?

6 A. Yes.

7 Q. Could you read for me the top of the  
8 election result report tape?

9 A. Gwinnett County, State of Georgia general  
10 election November 2nd, 2018.

11 Q. So this is for the November 6, 2018  
12 election?

13 A. Yes.

14 Q. Below that it gives date, poll center,  
15 machine ID and other information; correct?

16 A. Yes.

17 Q. And then below the report number it has a  
18 time; correct?

19 A. Yes.

20 Q. The time -- what does the time here say?

21 A. 1:18.

22 Q. And then is there a date given to the right  
23 of the time?

24 A. Yes.

25 Q. What is the date that's listed here?



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1 A. 06/02/2003.

2 Q. Shouldn't the date given on the election  
3 result report tape be November 6th, 2018?

4 A. I don't know what that date's for, so that  
5 could have been an update to the card. It could have  
6 been an update to the machine and it's printing out  
7 on this. I don't know what.

8 Q. If it was updating, why would it list a time  
9 that happened 15 years ago?

10 A. Because that may have been when it was  
11 updated. I don't know. Like I said, I don't look at  
12 this part of the card. When I look at these, I'm  
13 usually looking at the results. So I don't know what  
14 the top part of that means. That's something you'd  
15 have to ask somebody besides me.

16 (Plaintiff's Exhibit 16 was marked for  
17 identification.)

18 BY MR. POWERS:

19 Q. I'm handing you what I'm marking for  
20 identification as Plaintiff's Exhibit 16.

21 Actually, a little bit of clean-up. Before  
22 we turn to 16, with respect to Plaintiff's Exhibit  
23 15, would you mind telling me the precinct number and  
24 name for Plaintiff's Exhibit 15?

25 A. It's precinct 60 Lawrenceville D.

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1 Q. Turn back to Plaintiff's Exhibit 16.

2 What is Plaintiff's Exhibit 16?

3 A. The election results report from Gwinnett  
4 County, State of Georgia general election November 6,  
5 2018.

6 Q. What is the precinct number and name on  
7 Plaintiff's Exhibit 16?

8 A. Precinct 73, Pinckneyville P.

9 Q. And going down again to the time and date,  
10 what is the time listed on Plaintiff's Exhibit 16?

11 A. 1824.

12 Q. So that would be 6:24 p.m.?

13 A. Sure.

14 Q. Is the date -- what's the date on  
15 Plaintiff's Exhibit 16?

16 A. 11/06/2018.

17 Q. Do you know if that time and date stamp is  
18 of the date and time that this election result report  
19 is being generated?

20 A. I do not.

21 Q. Ms. Ledford, I'd like to go back to the GEMS  
22 database which we discussed a little while ago.

23 A. Yes.

24 Q. How does the -- remind me again how the  
25 Gwinnett County Board of Elections receives the GEMS

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1 database from the Secretary of State?

2 A. We go down to Atlanta and we sign for and  
3 receive it in a locked container. And it's brought  
4 back to the office.

5 Q. Who is the employee with the Gwinnett County  
6 Board of Elections that goes down to pick up the hard  
7 copy of the GEMS database?

8 A. It could be anyone from our -- any full-time  
9 staff member.

10 Q. It just kind of depends on who's available?

11 A. Who has time, correct.

12 Q. Are there any limitations in terms of which  
13 Gwinnett County Board of Elections employees have  
14 access to or can be made available to pick up the  
15 hard copy of the GEMS database?

16 A. No. Again, it's just whoever has time.

17 Q. Is any kind of nondisclosure agreement  
18 required for Gwinnett County staff members who come  
19 into contact with the GEMS database?

20 A. No.

21 Q. How many people have access to the GEMS  
22 database?

23 A. The GEMS database?

24 Q. Mm-hmm.

25 A. Just two.



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1 Q. Who are those people?

2 A. Kristi and Kelvin.

3 Q. How many people have access to the GEMS  
4 server?

5 A. Same.

6 Q. Does Gwinnett County have a GEMS license?

7 A. I don't know. I don't know.

8 Q. Who with the Gwinnett County Board of  
9 Elections might know?

10 A. No one. It would be me, so...

11 Q. Is it fair to say then that Gwinnett County  
12 Board of Elections does not have a GEMS license?

13 A. I would say so, yes, because it's not really  
14 our program.

15 Q. When the Board of Elections employees  
16 deliver the DREs to -- strike that.

17 When, for municipal elections, DRE voting  
18 machines are transferred to the municipalities, is it  
19 Gwinnett County staff or the municipality staff who's  
20 responsible for transporting the voting machines to  
21 the city?

22 A. The municipal staff.

23 Q. When they take possession of the machines,  
24 do they have to sign any kind of documentation?

25 A. There is a chain of command paperwork. Yes.

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1 Q. Are there any restrictions or limitations or  
2 requirements with respect to which employees with the  
3 municipalities are permitted to pick up the DRE  
4 voting machines?

5 A. Not from our side.

6 Q. When staff for the municipalities -- strike  
7 that.

8 So if a municipality sent a contractor or  
9 temporary employee to the Board of Elections to pick  
10 up the voting machines, you wouldn't turn them away?

11 A. We've never had that, so it's always been  
12 full-time employees of the City. I think that's just  
13 a gentleman's agreement that we've had with them  
14 since they started using the equipment.

15 Q. Got it. And do municipal employees have to  
16 sign any kind of nondisclosure agreement when they  
17 take possession of the DRE voting machines?

18 A. What would they have to disclose? So no. I  
19 mean, there's nothing on the machine. They are  
20 blank. They are shells when they get them. So, no,  
21 there's no nondisclosure.

22 Q. When -- strike that.

23 Prior to DRE voting machines being  
24 transferred to municipalities, is all of the memory  
25 from those machines erased?

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1 A. I don't know. They don't have the memory  
2 card in them, so that part is gone. As far as the  
3 redundant, I'm not sure.

4 Q. The memory cards for the machines go  
5 directly from the Georgia Secretary of State's office  
6 to the municipalities?

7 A. No. The state doesn't have memory cards.  
8 The memory cards are all with the voting unit. So if  
9 they get a voting unit, they get the memory card with  
10 it.

11 It gets programmed somewhere with the City  
12 whether it be a contractor -- I don't know how that  
13 part takes place. They just get the equipment and  
14 the peripherals from us and that's it.

15 Q. Got it. So just to make sure I understand  
16 this correctly, the municipalities are essentially  
17 getting a blank -- that's probably a bad way of  
18 putting it. Let me try again.

19 When the voting machines are transferred to  
20 the municipalities, the -- is it accurate to say that  
21 there's a blank memory card in the voting machines?

22 A. Correct.

23 Q. And the memory has been wiped from those  
24 cards in advance?

25 A. Yes.



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1 MR. POWERS: Perhaps, we can take very  
2 brief break.

3 (Recess from 4:06 p.m. to 4:15 p.m.)

4 BY MR. POWERS:

5 Q. Before we broke, you were talking about the  
6 erasure of the internal memory of the DRE.

7 Can you explain to me in general terms how  
8 the internal memory is erased from the DRE machines?

9 A. I cannot because I don't know when that's  
10 done or how often that's done. I just know that in  
11 periods that's done and that's really all I know  
12 about it.

13 Q. Is there any particular requirement in terms  
14 of when the data has to be removed or deleted?

15 A. Not to my knowledge.

16 Q. So is it a discretionary decision made by  
17 the Board of Elections staff members?

18 A. No. It's not anything that we do. It's  
19 done by the State.

20 Q. Can you explain to me how that process works  
21 in terms of the State removing or deleting the  
22 internal memory?

23 A. Well, if I'm -- I can't talk a whole lot  
24 about it because I don't really know. I can tell you  
25 that it has periodically happened since we've had the

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1 equipment since 2002.

2 I couldn't tell you if it's done because my  
3 memory is just shot on this. I don't know if it's  
4 every -- you know, after every presidential election.  
5 I don't know if it's on any -- I don't know what the  
6 cycle is on doing that. But I can tell you in the  
7 life of the equipment that we have, it's been done  
8 several, several times over the years.

9 Q. What's the chain of custody at that point?

10 A. It takes place at our office. They actually  
11 send staff out to our prep center and that's what we  
12 do.

13 We line the equipment up for them every day.  
14 And I guess they have a list, an inventory list. And  
15 they go through and make sure that they've hit all of  
16 the equipment.

17 They do updates. They do all of that type  
18 of internal, I guess, mechanizations or what they  
19 deal with. The staff doesn't do anything with that.

20 Q. When these deletions happen, are they  
21 removing the internal data on all 1800 voting  
22 machines?

23 A. Correct.

24 Q. How many employees does it take to -- strike  
25 that.

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1 How long does it take to delete the internal  
2 memory from all 1800 voting machines?

3 A. They usually do it in about a week,  
4 five days.

5 Q. Just to make sure I'm clear on something,  
6 before the County Board of Elections transfers the  
7 voting machines to the municipalities, is the  
8 internal memory deleted as a matter of policy?

9 A. As a matter of policy, no. Like I said it's  
10 not something that's done by our staff. It's done by  
11 the State. And I couldn't say if it's done before --  
12 like I said, I don't know what routine it is. So I  
13 don't know that it was always done, you know, in an  
14 even numbered year which is when we have elections  
15 versus odd numbered years which is when most of the  
16 cities have their elections.

17 Q. As the -- strike that.

18 When was the last time that the internal  
19 memory was removed or deleted from the DRE machine?

20 A. I don't know. I could tell you it was  
21 before 2018 and I don't know if it's been done since  
22 then.

23 Q. Thank you.

24 Now, let's consider a situation in which  
25 municipalities had to vote using optical scan.



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1           How many optical scanners would  
2 municipalities need to conduct an election entirely  
3 using optical scan?

4           A. It depends on the size of the  
5 municipalities. We have some that only have, I  
6 believe, 1600 registered voters and we've got one  
7 that's got almost 30,000. So it just depends on the  
8 size of the city and what they anticipate their  
9 turnout is going to be.

10          Q. Based on historical patterns in the past  
11 ordering practices of the municipalities, what's the  
12 range from the municipality with 1600 people to the  
13 one with 30,000 people?

14          A. For optical scan units?

15          Q. (Counsel nods head affirmatively.)

16          A. They usually take two to four because the  
17 ones that take two have one and they use it for  
18 backup. And the ones that take multiple would be  
19 bigger cities where they were doing their early  
20 voting. You know, they would have them if somebody  
21 needed to cast a provisional ballot or further  
22 absentee ballot process. So two to four.

23          Q. Got it. So a city with 30,000 people might  
24 need four optical scan units?

25          A. Mm-hmm.

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1 Q. How many optical scan units does the  
2 Gwinnett County Board of Elections currently own?

3 A. I think we have 36 -- 32 or 36.

4 Q. Thirty-two or 36?

5 A. Yes.

6 Q. So in a situation where cities were  
7 conducting elections using optical scan units, would  
8 you anticipate receiving a request from --  
9 for optical scan units from all Gwinnett County  
10 municipalities or only those that currently request  
11 DRE voting machines from you?

12 A. Well, we have 16 cities wholly or partially  
13 located in Gwinnett and there is no rhyme or reason  
14 as to when or how they choose to use the equipment.

15 So I'm not qualified to answer that question  
16 based on I just don't have the history -- it's just  
17 all over the place and I wouldn't want to speculate  
18 on that.

19 Q. Got it.

20 So there are 16 municipalities in Gwinnett  
21 County?

22 A. Yes.

23 Q. Are they all conducting their own elections  
24 in November of 2019?

25 A. For the ones that are having them except for

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1 Braselton and Jackson County because it's the City of  
2 Braselton and, actually, Walton County conducts the  
3 City of Auburn.

4 Q. What about Buford?

5 A. They conduct their own.

6 Q. Let's consider now the March primary  
7 election.

8 If Gwinnett County were holding an election  
9 using optical scanners for the March 2020 primary,  
10 how many optical scanners would the County need?

11 A. I don't know. We would need -- it would  
12 have to be a minimum of two for 156 polling  
13 locations. That would be a bare minimum.

14 You've got people standing in line. It  
15 takes a while to read those. In Gwinnett County, our  
16 ballots usually are a little bit longer, so we have  
17 to account for that as well.

18 We also have eight advance voting locations.  
19 We would need a minimum of five at those so whatever  
20 that number would be. And, like I said, that would  
21 be just the bare minimums. That would not suffice.  
22 You would have to have three or four units at the  
23 site and probably 10 at the advance voting sites  
24 because those scanners are not very quick either.

25 Q. You've reminded me of something.



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1 So I'm going pivot quickly back to DRE  
2 voting machines and in particular to the DRE voting  
3 machines that are used for early voting.

4 A. Mm-hmm.

5 Q. Roughly, how many DRE voting machines are  
6 used for early voting in, you know, the November  
7 election in an even numbered year?

8 A. We have 15 at seven at the sites and 35 at  
9 our office.

10 Q. Make sure I understand this correctly.  
11 There are seven early voting sites and each  
12 of them, every single one will have 15 --

13 A. -- 15.

14 Q. -- DRE machines? Got it.

15 So all total, there's well over a hundred  
16 DRE voting machines used for early voting?

17 A. Correct.

18 Q. Are those voting machines that are used for  
19 early voting also used for voting on election day?

20 A. No. You can't do that.

21 Q. Why is that?

22 A. Because that's the way the rules are set up  
23 on that. Those machines, when they close down on  
24 Friday, they are sealed up, sequestered and they are  
25 brought back to our office. And that's where they

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1 stay sealed until 7:00 p.m. on election night.

2 Q. You may have said this and I just missed it.

3 When are the DRE early voting machines  
4 physically moved from the early voting location to  
5 the Board of Elections Office?

6 A. On election they're -- some of them are  
7 actually on Friday night as soon as the polls closed  
8 and then others are on Saturday and Monday. We try  
9 to have them out -- our satellites are community  
10 centers at our parks and we don't want to leave the  
11 equipment there, you know, more than what we have to  
12 even though it's sealed and corded and all that.

13 Q. Yeah. Now I'm going to pivot back to  
14 optical scan world.

15 Does the Gwinnett County board ever have to  
16 purchase its own optical scanners?

17 A. Yes.

18 Q. Why does it have to do that?

19 A. Because the initial rollout in 2002, I  
20 believe, we had maybe 20. And we knew that we were  
21 going need more than that, so we purchased just five,  
22 six, seven, whatever, here, there over the years.  
23 And that's to accommodate not only the absentee  
24 ballot but also the provisional ballot because that  
25 has continued to get larger and larger. And with

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1 that, we need the machines to count those ballots as  
2 well.

3 Q. Where -- strike that.

4 Where do you go to buy new optical scanners?

5 A. ES&S.

6 Q. And you purchase it directly from ES&S?

7 A. Correct.

8 Q. Have you ever looked to see if Gwinnett  
9 County could purchase additional optical scanners  
10 from other elections who used to use that kind of  
11 optical scanner but no longer do?

12 A. You mean outside the state of Georgia?

13 Q. Anywhere. Anywhere.

14 A. We can't use any equipment from outside the  
15 state of Georgia. We can't buy -- I apologize. Let  
16 me take that back.

17 I think we can actually buy used equipment  
18 now, but that just changed within the last few years.  
19 But we haven't needed to purchase any that way, so  
20 ours have come through ES&S.

21 Q. I was going to ask if you're aware if some  
22 counties in Georgia actually had received optical  
23 scanners from counties from other states?

24 A. I know that other states made it available.  
25 I don't know personally of any county. We've just



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1 never had that discussion.

2 (Plaintiff's Exhibit 17 was marked for  
3 identification.)

4 BY MR. POWERS:

5 Q. I'm handing you what I've marked for  
6 identification as Plaintiff's Exhibit 17.

7 Could you please tell me what Plaintiff's  
8 Exhibit 17 is?

9 A. It's the Election Day Management Training  
10 Workbook for the 2018 General Election.

11 Q. Thank you.

12 A. Mm-hmm.

13 Q. If you wouldn't mind turning to chapter  
14 five. I think it's actually the last page of the  
15 exhibit.

16 A. Mm-hmm.

17 MS. MARKS: She's on a different page  
18 than you are.

19 MR. POWERS: I'm looking at a page that  
20 has 60 at the top left-hand corner?

21 THE WITNESS: I don't have that.

22 (Discussion ensued off the record.)

23 BY MR. POWERS:

24 Q. So what is corrected Plaintiff's Exhibit 17?

25 A. It's the Election Day Manager Manual.

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1 Q. If you wouldn't mind turning to page 60.

2 A. It's actually chapter five of that.

3 Q. Chapter five?

4 A. Yeah.

5 MR. TYSON: Just so we're clear for the  
6 record, this is a portion of the manual not  
7 the complete manual; is that correct?

8 THE WITNESS: Yes.

9 MR. TYSON: Just so that's clear for the  
10 record.

11 MR. POWERS: Thank you.

12 BY MR. POWERS:

13 Q. What does chapter five page 60 of the  
14 Election Day Manager Manuel discuss?

15 A. The log sheet for actions taken on DRE and  
16 express poll.

17 Q. Would you mind reading the first sentence?

18 A. Whenever an update or canceling action is  
19 taken either on the express poll or the DRE.

20 Q. It provides a series of steps after that; is  
21 that correct?

22 A. Mm-hmm.

23 Q. Is one of those below that, does it say that  
24 one of the actions that must be recorded include  
25 canceling a ballot on the DRE unit?

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1 A. Yes.

2 Q. What are the steps that poll officials have  
3 to go through if they are canceling a ballot on the  
4 DRE unit?

5 A. I'd have to look. I don't remember. It's  
6 been a long time since I've done it myself.

7 Q. Specifically, I'll point you to the second  
8 sentence of the first paragraph on the --

9 A. Updating a voter's status?

10 Q. Yeah.

11 A. If a voter is issued an absentee ballot, the  
12 express poll does not reflect whether that ballot was  
13 received back or not.

14 So if the voter shows up at the poll and it  
15 shows in the express poll that they have been issued  
16 an absentee ballot, in order for that voter to then  
17 be allowed to vote at the poll, they either have to  
18 have the ballot with them to cancel it or they fill  
19 out a cancelation form.

20 Once they do that, the poll workers go into  
21 Election Net -- I'm sorry -- express poll and they  
22 unmark that voter. And they will take out that  
23 absentee notation and put the voter back in an active  
24 eligible status. And then they encode a voter access  
25 card and the voter goes to the DRE unit to vote.



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1 Q. So that's a situation where -- is that --  
2 okay.

3 So is that what is being described here with  
4 respect to canceling a ballot on the DRE unit itself?

5 A. No. That's canceling it on the DRE -- I'm  
6 sorry. That's canceling it on the express poll so  
7 that they can then cast it on the DRE.

8 Canceling a ballot on the DRE is the  
9 situations we discussed earlier. If the voter gets  
10 the wrong ballot and they realize it but they've put  
11 the card in, it comes up and it's Republican versus  
12 Democrat. Then the only way to get the card out  
13 without casting a ballot is to cancel the ballot even  
14 though it hasn't been cast yet.

15 So we also have to do that from time to  
16 time. And if they do that, then they have to mark  
17 that, too, because that's part of their  
18 reconciliation at the end of the day.

19 Q. So that cancellation has to be recorded here  
20 even if that vote had been started never actually  
21 gets completed?

22 A. Correct.

23 Q. It's not referring to a situation which a  
24 voter actually completed casting a ballot?

25 A. Right. Because as we said earlier, once you

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1 cast the ballot, it starts randomizing it in the  
2 unit, so we would have no way to identify that  
3 voter's ballot.

4 MR. POWERS: Got it. Thank you.

5 (Plaintiff's Exhibit 18 was marked for  
6 identification.)

7 BY MR. POWERS:

8 Q. I'm handing you what I'm marking for  
9 identification as Plaintiff's Exhibit 18.

10 What is Plaintiff's Exhibit 18?

11 A. Official election bulletin from the  
12 Secretary of State's Office regarding open records  
13 request.

14 Q. Did you receive this official election  
15 bulletin from Chris Harvey?

16 A. Yes.

17 Q. What does Plaintiff's Exhibit 18 say?

18 A. Multiple counties have reported receiving  
19 open records requests asking for data such as DRE  
20 audit logs, copies of DRE tapes and ballot image  
21 reports and/or copies of ballot images.

22 Q. Could you please read for me the sentence in  
23 the third paragraph of Plaintiff's Exhibit 18?

24 A. Ballot images are not subject to open  
25 records requests per the advice of the Attorney

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1 General's Office.

2 (Plaintiff's Exhibit 19 was marked for  
3 identification.)

4 BY MR. POWERS:

5 Q. I'm handing you what I've marked for  
6 identification Plaintiff's Exhibit 19.

7 A. Mm-hmm.

8 Q. What is Plaintiff's Exhibit 19?

9 A. I have no idea. I've never seen it.

10 Q. Is Plaintiff's Exhibit 19 a ballot image  
11 report?

12 A. I don't know. I've never seen this before.  
13 I've never seen one of these.

14 Q. Have you ever seen a ballot image report  
15 before?

16 A. No. No.

17 Q. That's fair. Do you know why ballot image  
18 reports are no longer a public record?

19 A. I don't know they were ever public record  
20 because we've never been asked for one. If that's  
21 what this is, I've never seen one, so I don't know.

22 So, no, I do not know.

23 MR. POWERS: Fair enough. I need  
24 another minute or two. Take a break. But I  
25 think it might be easier actually for you



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1 guys to stay and us to move because I am  
2 coming to the end.

3 (Recess from 4:43 p.m. to 4:45 p.m.)

4 MR. POWERS: Plaintiffs have no further  
5 questions. We would like to meet and confer  
6 regarding the discovery issues outlined in  
7 your respective letters once the deposition  
8 is concluded.

9 MR. TYSON: I just have a couple of  
10 questions for you, Ms. Ledford.

11 EXAMINATION

12 BY MR. TYSON:

13 Q. Mr. Powers asked you earlier about whether  
14 you trusted the DRE system. Do you remember that  
15 question?

16 A. Yes.

17 Q. Why is it that you trust the DRE system that  
18 we use in Georgia?

19 A. Basically, again, it's a history thing. The  
20 way that everything is brought in and programmed and  
21 sealed and secured and checks and balances -- and the  
22 one thing I will say to that is all these experts  
23 that have tested all this equipment have never done  
24 it in a true election environment. They set up their  
25 own environment. They really have no idea what we do

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1 and nobody's ever really asked.

2 So I think that there's oftentimes a rush to  
3 judgment without asking proper questions or getting  
4 more detailed information. And, you know, for those  
5 of us in elections administration, we take our jobs  
6 very, very seriously. And we want every election to  
7 be as good as it can.

8 There's no perfect election. There's  
9 absolutely no perfect election equipment, but we've  
10 not had -- to my knowledge, we've not had problems  
11 with ours or it's not questionable.

12 Q. We definitely appreciate your work and all  
13 the work of your staff.

14 A. Thank you.

15 MR. POWERS: And I do, too.

16 BY MR. STEPHENS:

17 Q. Mr. Powers asked you as well about feeding  
18 ballots through optical scanners for recounts?

19 A. Mm-hmm.

20 Q. When you have a ballot that is long or  
21 additional size, does that take longer to feed  
22 through the optical scanner?

23 A. The optical scanners that we have are not  
24 high speed scanners as most people who have watched  
25 us count those things knows and if you have -- you

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1 know, and different ones react different ways to  
2 different ballots.

3 So sometimes you have what's called  
4 shuffling. You put it in. It will shuffle it three  
5 or four times and then it takes it. The next one it  
6 will take and the next one it will shuffle it. Well,  
7 it won't take, so then you have to turn it upside  
8 down. You have to do it backwards. You have to do  
9 it different orientations.

10 So, you know, like I said, you can try to  
11 average an amount of time to do a ballot, but if  
12 you've got a two-page 18-inch ballot, which is what  
13 we had in November and especially when you have  
14 multiple folds within the ballot as well, it creates  
15 additional time to read those ballots.

16 The easiest ballots to read are the  
17 provisionals because they're straight. We print  
18 them, we duplicate them and they go straight into the  
19 optical scan. But the provisional -- absentee  
20 ballots are very, very difficult to scan.

21 Q. Then there was some discussion earlier about  
22 the process. You mentioned having to duplicate  
23 98 percent of the provisional ballots.

24 Can you explain a little bit what ballot  
25 duplication means for paper ballots?



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1           A. Yes. One of the reasons that people can  
2 choose to vote a provisional ballot is if they show  
3 up at an incorrect poll and they don't have time or  
4 make a fuss and don't want to go to the correct poll.  
5 Poll officials are -- at that point will offer them a  
6 provisional ballot.

7           Well, if they're at the wrong polling  
8 location, the ballot at that poll are only for -- or  
9 the precinct are only for that precinct. So if you  
10 have a voter that lives in Dacula but they are trying  
11 to vote in Snellville, that ballot is not going to be  
12 the same.

13           So when that ballot comes in on election  
14 night, we have to research that and we pull the  
15 correct ballot for the voter. And then we take the  
16 ballot that they actually voted and anything that  
17 they were eligible to vote for, we transfer onto that  
18 duplicate ballot. And they're labeled "original" and  
19 "duplicate." And then the duplicate is what is  
20 actually read for tabulation.

21           And the duplication process involves three  
22 people. You have to have one person read the  
23 original ballot, one person mark the duplicate ballot  
24 and one person to monitor that process.

25           Q. Would you consider the ballot duplication

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1 process a time consuming exercise?

2 A. Yes. Because it's very manual. It's a  
3 very, very laborious process. When people are tired,  
4 you know, we came in at four, five o'clock on  
5 election morning and we only have three days to get  
6 these things done and you're trying to do everything  
7 else. You've got to wrap up an election.

8 It's an accurate process but, again, it  
9 takes a very long time to get there.

10 Q. Once you start counting ballots after the  
11 polls close on election night, is there a requirement  
12 that you continue counting until you finish?

13 A. Yes. We would love that law to be changed.  
14 They missed that House Bill 316. I'm just saying.

15 And I understand. You don't want to lose  
16 the integrity of the system. And there are people  
17 who would think that some Keebler elves come in and  
18 manipulate ballots or do something.

19 So, yes, we stay there until we're done,  
20 which is oftentimes -- depending on the election  
21 could be two or three o'clock in the morning or it  
22 could be like this last election where it was four  
23 o'clock in the afternoon the next day.

24 Q. So Wednesday afternoon at four o'clock is  
25 when you finished the 2018?

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1 A. Yes. And we came in at five o'clock on  
2 Tuesday morning.

3 Q. And that was an election that involved both  
4 DREs for the majority of votes and then paper ballots  
5 for a small subset?

6 A. Correct. And there was a problem with the  
7 printing of the ballots. DeKalb County had a  
8 problem. Gwinnett had a problem.

9 (Reporter requests that witness slow  
10 down.)

11 THE WITNESS: Gwinnett and DeKalb had  
12 that problem. So duplication was greatly  
13 multiplied during that time. So almost  
14 every ballot had to be duplicated. And then  
15 some of the duplicated ballots had to be  
16 duplicated as well.

17 And so it was a -- and it's a very  
18 manual, very laborious process -- laborious,  
19 I'm not sure how you pronounce that word.

20 BY MR. TYSON:

21 Q. And so when you're describing that ballot  
22 printing issues, did that keep the paper ballots from  
23 being read by the optical scanners?

24 A. Correct.

25 Q. And that's why you had to have duplication



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1 where it was a format they could actually read?

2 A. Yes.

3 MR. TYSON: I don't have any further  
4 questions.

5 MR. STEPHENS: Cheryl?

6 EXAMINATION

7 BY MS. RINGER

8 Q. You had spoken a bit about the number of  
9 optical scanners that you had. If you had to do a  
10 countywide optical scan paper ballot election, how  
11 many scanners do you think you would need?

12 A. I know we talked about that earlier. You  
13 would have to have a very, very minimum of two per  
14 156 --

15 Q. That's what I missed. I was looking at my  
16 notes and I didn't get it, so --

17 A. Yeah. We said a very, very minimum of two  
18 for 156 polling locations and then very, very minimum  
19 of five for seven satellite voting locations and the  
20 main office.

21 Q. I missed that. Okay.

22 A. I don't know where we would store all those  
23 ballots either.

24 MS. RINGER: No further questions.

25 MR. POWERS: No redirect.

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1 THE REPORTER: She's reading and  
2 signing, I take it? Is she reading and  
3 signing?

4 MR. STEPHENS: Yes.

5 THE WITNESS: Yes.

6 (Transcript orders taken by audio  
7 record.)

8 (Deposition concluded at 4:52 p.m.)

9 (Signature reserved.)

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## CERTIFICATE

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquies, questions, and answers were reduced to typewriting under my direction; that the transcript is a true and correct record of the evidence given upon said proceeding.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of this action.

This the 28th day of June, 2019.



Marsi Koehl, CCR-B-2424





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## DISCLOSURE

STATE OF GEORGIA:

COUNTY OF DEKALB:

Deposition of TERESA LYNN LEDFORD.

Pursuant to Article 8.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Counsel of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter acting as an agent of APG USA, Inc., who was contacted by the offices of Lawyers' Committee for Civil Rights Under Law, to provide court reporting services for this deposition. I will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

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Marsi Koehl, CCR-B-2424

Date: 6/28/19

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, et al., )  
 )  
Plaintiffs, )  
 ) CIVIL FILE ACTION  
vs. )  
 ) NO. 1:17-cv-02989-AT  
BRAD RAFFENSPERGER, et al., )  
 )  
Defendants. )

The preceding deposition taken in the matter, on  
the date, and at the time and place set out on the  
title page hereof.

It was requested that the deposition be taken by  
the reporter and that same be reduced to typewritten  
form.

It was agreed by and between counsel and the  
parties that the Deponent will read and sign the  
transcript of said deposition.

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## 1 CERTIFICATE

2 STATE OF  
3 COUNTY/CITY OF4 Before me, this day, personally appeared, TERESA  
5 LYNN LEDFORD, who, being duly sworn, states that the  
6 foregoing transcript of her deposition, taken in the  
7 matter, on the date, and at the time and place set out  
8 on the title page hereof, constitutes a true and  
9 accurate transcript of said deposition.10  
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TERESA LYNN LEDFORD13 SUBSCRIBED and SWORN to before me this  
14 \_\_\_\_\_ day of \_\_\_\_\_, 2019 in the  
15 jurisdiction aforesaid.16  
17  
18 My Commission Expires Notary Public19  
20  
21 ☐ No changes made to the Errata Sheet; therefore, I  
22 am returning only this signed notarized certificate.23  
24 ☐ I am returning this signed, notarized certificate  
25 and Errata Sheet with changes noted.

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## 1 DEPOSITION ERRATA SHEET

2 Deponent: TERESA LYNN LEDFORD

3 Deposition Date: June 24, 2019

4 To Reporter:

5 I have read the entire transcript of my deposition  
6 taken in the captioned matter or the same has been  
7 read to me. I request that the following changes be  
8 entered upon the record for the reasons indicated. I  
9 have signed my name to the Errata Sheet and  
10 appropriate Certificate and authorize you to attach  
11 both to the original transcript.

12  
13 Page No. Line No.

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1 Deposition of TERESA LYNN LEDFORD  
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